

# EXHIBIT 4

Donald Cox - December 03, 2019

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA

- - -

DIANA MEY, CRAIG CUNNINGHAM,	:	
STEWART ABRAMSON and JAMES	:	
EVERETT SHELTON, individually	:	
and on behalf of a class of	:	
all persons and entities	:	
similarly situated,	:	
	:	
plaintiffs,	:	
	:	
vs.	:	CASE NO.
	:	5:17-cv-00179-JPB
DIRECTV, LLC, et al.,	:	
	:	
defendants.	:	

- - -

The videotaped deposition of Donald Adam Cox was taken by me, Denise Shoemaker, a Notary Public in and for the State of Ohio, on Tuesday, December 3, 2019, at the approximate hour of 10:00 a.m., located at the Southern Ohio Welcome Center, 342 Second Street, Portsmouth, Ohio.

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17 Appearing on behalf of the Plaintiffs.

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23 Appearing on behalf of Defendant DirecTV.

24 Donald Adam Cox  
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West Portsmouth, Ohio 45663

Appearing Pro Se.

- - -

ALSO PRESENT:

Justin Matheny, videographer.

- - -

Donald Cox - December 03, 2019

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2 STIPULATIONS

3 It is stipulated by and among counsel  
4 for the respective parties that the deposition of  
5 Donald Adam Cox, a Defendant herein, called by the  
6 Plaintiffs, under the applicable Rules of Civil  
7 Procedure, may be taken at this time in stenotypy by  
8 the Notary, by notice of counsel; that said  
9 deposition may thereafter be transcribed by the  
10 Notary out of the presence of the witness; that proof  
11 of the official character and qualification of the  
12 Notary is waived; that the examination, reading and  
13 signature of the said Donald Adam Cox to the  
14 transcript of his deposition are expressly waived by  
15 counsel and the witness; said deposition to have the  
16 same force and effect as though signed by the said  
17 Donald Adam Cox.

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19  
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21  
22  
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24

1 P R O C E E D I N G S

2 - - -

3 THE VIDEOGRAPHER: Good morning. We  
4 are on the record at 8:36 a.m.

5 The following deposition of Adam Cox is  
6 being taken at 342 Second Street, Portsmouth, Ohio  
7 45662 in the matter of Diana Mey, et al. versus  
8 DirecTV, LLC and AC1 Communications, et al., Case No.  
9 5:17-cv-00179-JPB pending in the United States  
10 District Court for the Northern District of West  
11 Virginia.

12 The court reporter is Denise Shoemaker  
13 and the videographer is Justin A. Matheny, and I'm  
14 here on behalf of Blair Reporting Services.

15 Will counsel please identify themselves  
16 and whom they represent for the record.

17 MR. BARRETT: John Barrett. I  
18 represent Diana Mey, who's the plaintiff in the case.  
19 With me is Ben Hogan, who is also from Bailey &  
20 Glasser. He's in Morgantown, West Virginia. I'm in  
21 Charleston.

22 And Matthew McCue is also a lawyer in  
23 the case, and he's from Boston.

24 MR. STEINMETZ: And I'm Kyle Steinmetz.

1 I represent DirectTV, LLC.

2 THE VIDEOGRAPHER: Thank you.

3 Will the reporter please swear in the  
4 witness.

5 - - -

6 Thereupon,

7 DONALD ADAM COX

8 being by me first duly sworn, as  
9 hereinafter certified, deposes and says as follows:

10 CROSS-EXAMINATION

11 By Mr. Barrett:

12 Q Good morning.

13 A Good morning.

14 Q And what is your name, sir?

15 A Adam Cox.

16 Q Is that your full name?

17 A Donald Adam Cox.

18 Q Mr. Cox, we had a short conversation  
19 before we got on the record here. I talked to you  
20 about why we're here and what the ground rules are,  
21 what I'm going to be talking to you about, okay?

22 A Okay.

23 Q One important thing to remember is that  
24 this is a deposition where the court reporter has to

1 write down your answers.

2 A Okay.

3 Q So if you can try to avoid shaking your  
4 head or nodding your head or saying uh-huh or  
5 uh-huh --

6 A Gotcha.

7 Q -- it'll make her job a lot easier.

8 A Okay.

9 Q Another good rule to keep in mind is to  
10 try to let me finish a question and then answer it  
11 rather than kind of start answering it midstream,  
12 which is what most of us do in normal conversation.  
13 But again, that's to help our court reporter.

14 A I'm bad at that, so. I'll try my best.

15 Q I will too.

16 This is a deposition you're providing  
17 here in this case. You're actually a party to the  
18 lawsuit. And we understand that you're proceeding  
19 without a lawyer today, which in legal lingo means  
20 pro se. That's correct, right?

21 A Yeah, I don't have a choice.

22 Q Okay. One of the important things for  
23 me to tell you is that because you're pro se means --  
24 and because I'm a lawyer, I have an ethical



1 obligation to be fair to you and to ask you questions  
2 that are fair within the rules to try to get the  
3 information that you have.

4 If you feel like you don't understand a  
5 question that I'm asking or you feel like it's  
6 improper, you can certainly say that, and we can talk  
7 that through. But again, my intention is not to ask  
8 you any of those kinds of questions. Just to get the  
9 information that you have. Okay?

10 A Okay.

11 Q If you need a break, let me know. I'm  
12 glad to take a break. I would ask that you kind of  
13 not take text messages or things like that during the  
14 call.

15 A No problem.

16 Q And I understand you've got a coaching  
17 obligation today?

18 A Yes.

19 Q You're a basketball coach?

20 A Yes, sir. Yes.

21 Q High school basketball coach?

22 A Yes.

23 Q And so you may need to, you know, take  
24 care of some obligations with that. I'm going to be

1 respectful of your time, mindful of that.

2 A Okay.

3 Q Let's see. Where do you live?

4 A I live in West Portsmouth, Ohio.

5 Q And your full address is what?

6 A 476 Hygean Run Road, West Portsmouth,  
7 Ohio 45663.

8 Q You've never given a deposition before,  
9 correct?

10 A No, sir.

11 Q Where are you currently working?

12 A I'm currently a high school basketball  
13 coach.

14 Q That's your full-time job?

15 A No. I do some -- I work for myself  
16 right now currently. I do different odd jobs around  
17 the area and do different things for other people.  
18 So I'm kind of self-employed at the moment.

19 Q Let's talk about yourself a little bit,  
20 your history of involvement in sales. I know you've  
21 been involved in sales for some time.

22 A Yes.

23 Q Can you just kind of walk me through how  
24 you got involved in sales and some of the jobs that

1 you've had in the past?

2 A Well, started back when I was probably  
3 23 or so. I started selling for a telemarketing  
4 company out of New Jersey called Civic Development  
5 Group.

6 Q Civic Development Group?

7 A Yeah. And then I became manager there,  
8 regional manager throughout probably an eight-year  
9 period or so. I'm not exact.

10 And then I went into insurance sales. I  
11 did some life and health insurance sales. And then I  
12 got -- went through a divorce and kind of didn't do  
13 anything for a few years, successfully anyways.

14 Then I ended up selling DirecTV probably  
15 about five years ago and worked for different  
16 retailers throughout the area.

17 Q How old are you now?

18 A Forty-one.

19 Q And so five years ago you were in your  
20 mid-thirties when you started selling for DirecTV?

21 A Yeah. It might have been six years.  
22 Somewhere around five, six years ago.

23 Q At Civic Development Group, you were  
24 there, I think you said, about eight years, you were

1 manager, regional manager. What were some of the  
2 jobs that you had?

3 A I was over managing the managers and  
4 overseeing the office production and the training of  
5 the managers mostly.

6 I mean, I worked my way up from being a  
7 sales representative to a floor manager to a call  
8 center manager to a regional manager. But I went  
9 from making sales to teaching reps how to make sales  
10 to teaching managers how to manage reps to teaching  
11 office managers how to manage offices.

12 Just throughout the growth of the  
13 company I kind of advanced throughout. My  
14 competitive nature, sports, it's just me. It's just  
15 who I am. I'm a talker, salesman, motivator, so.

16 Q Okay. Were you -- when you were making  
17 calls and overseeing those who were, you know, making  
18 telephone sales, were you all using -- how were you  
19 actually communicating with the customers?

20 A What are you -- which time?

21 Q Just during the eight-year period at  
22 Civic Development Group.

23 A Civic Development Group handled all  
24 their call processing out of New Jersey. So I wasn't

1 part of that, the preparation of any of that.

2 Q Calls would just come into the center  
3 and your reps would handle them?

4 A Yeah. Yeah.

5 Q You mentioned starting to sell for  
6 DirecTV about five years ago?

7 A Yes.

8 Q How did you get involved in selling for  
9 DirecTV?

10 A I had a buddy that was selling DirecTV  
11 for a retailer in Ashland, Kentucky, and I started --  
12 he asked me if I thought I could do it and was  
13 interested in doing it, and I didn't have a job at  
14 the time. I started doing it, and I was really good  
15 at it. So kind of just stuck.

16 Q So you were actually handling calls  
17 yourself at that time, making sales calls for your  
18 buddy who's the retailer?

19 A We did different events and door  
20 knocking. We did different sales strategies. Not  
21 everything was phone calls.

22 Q Okay. So what were some of those  
23 strategies you mentioned?

24 A Every retailer for DirecTV has more than

1 one way to produce sales. I mean, you're going to  
2 use social media, you're going to use -- nowadays  
3 social media is the big market.

4 But you're going to do your events, your  
5 county fairs, your state fairs, your local winterfest  
6 or whatever. You're going to set up booths and  
7 tables and fliers, you know. They have co-op  
8 available for that, which is what a lot of retailers  
9 do. And then you have door knocking teams that go  
10 out door to door. But a lot of sales were made over  
11 the phone.

12 Q What was the name of that retailer that  
13 you were working with? Was it Perfect 10?

14 A No. Perfect 10 is a distributor for  
15 DirecTV. Perfect 10 is not a retailer. Perfect 10  
16 has nothing to do with DirecTV except for them being  
17 the people that you order the equipment for.

18 Q Okay.

19 A There's a difference between a Perfect  
20 10 person and a DirecTV person. Two opposite people.

21 Q What was the name of that retailer that  
22 you started working with five years ago though?

23 A Am I obligated to say that?

24 Q Yeah, I think you are. They're not an

1 entity that we are -- they're not a party to the  
2 lawsuit to my knowledge.

3 A Well, I mean --

4 Q Let me just pause right there and just  
5 kind of go through another set of rules. So  
6 generally during a deposition, the kinds of questions  
7 that you're not obligated to answer are going to be  
8 things that are protected by an attorney-client  
9 privilege, like advice that your lawyer gave you,  
10 that sort of thing.

11 A Steel Security.

12 Q Still?

13 A Steel Security.

14 Q S-t-i-l-l?

15 A S-t-e-e-l, Steel.

16 Q Okay.

17 A That's who I first worked for.

18 Q And let me also tell you that, you know,  
19 on answering questions, you're also not obligated to  
20 answer questions that are, like, harassing. If I  
21 start to --

22 A I just feel like if -- I don't know. I  
23 feel like that was -- you're going to ask questions  
24 about people that I've worked for and friends of

1 mine, I just -- as a friend, I just feel -- and I  
2 know I'm going to tell the truth. But I'm a pretty  
3 loyal guy, and I don't really feel like that's  
4 pertaining, but it is, I guess, so I'll answer it.

5 Q I totally respect that and appreciate  
6 that.

7 Just under the rules that govern what  
8 we're doing here today, I'm given a pretty good  
9 amount of leeway to ask those kinds of questions.  
10 And generally speaking, unless it's something that is  
11 privileged or something that is harassing, that sort  
12 of thing --

13 A Right.

14 Q -- you need to answer. But we'll cover  
15 that as it comes. I understand your loyalty to your  
16 friends. I can tell you that I've not heard of Steel  
17 Security. They're not a party to the lawsuit, and  
18 they're not an entity that we have any interest in.

19 A Well, I'm not so much worried about that  
20 as I am about putting their retailer liability that  
21 somebody is going to say something, well, this guy  
22 worked for you and he's -- I mean, I don't want  
23 anybody to get in trouble and lose their business  
24 like I have over this.



1 Q Sure.

2 A I mean, this is -- you might not know,  
3 but this has turned my life upside down. Like, I  
4 went from having a life to nothing over this. I  
5 mean, I'm stuck in the middle because of one phone  
6 call to a person's mother-in-law's phone.

7 Now I have no representation from  
8 DirecTV. They didn't want to help me or represent  
9 me, and I have no money. I have no job. I have no  
10 nothing, and I'm the only one that's getting hurt in  
11 this case right now.

12 That's sad because I'm -- I am and  
13 was -- well, I was the best DirecTV salesman in the  
14 whole nation. So I just felt like right now I'm at  
15 the mercy of everybody because you guys have me to  
16 where I can't even pay bills. That's the sad part  
17 about this.

18 Let's carry on.

19 Q And I do respect that. I appreciate  
20 your saying that. We're going to try to move through  
21 this as quickly as we can and get you on your way.

22 So Steel Security for about -- how long  
23 did you work with them?

24 A Two years, two years pretty steadily.

1 Made a pretty good living at it as a sales rep.  
2 Worked multiple state fairs in Lexington and  
3 Louisville, Kentucky State Fair in Louisville and  
4 then -- I mean, we worked a bunch of places. But  
5 that's where I really started learning the product  
6 and learning how to sell.

7 I was already great at face-to-face from  
8 insurance, and I was already good at sales over the  
9 phone from Civic Development Group, and I was already  
10 ahead of everybody on selling that was in this line  
11 of work, and I just kind of prospered.

12 Then it got to the point to where I  
13 worked for two other retailers, three other retailers  
14 before I finally told my dad, because I went through  
15 a divorce and had bad credit and I told my dad, I was  
16 like, why am I continuing to build up other people's  
17 retailers and make them the number one retailer in  
18 the area, in the nation and regions and stuff like  
19 that. I could just do it myself.

20 So that's when my dad stuck his neck out  
21 for me and got the DirecTV retail license in his  
22 name, and I started my own company, AC, Adam Cox.

23 Q We have some documents that you provided  
24 to us, and in one of those documents I think you were

1 reaching out to DirecTV around 2017 to let them know  
2 that you would like to have your own retailer  
3 agreement. Does that sound right to you, 2017?

4 A Yes.

5 Q Let's talk about that document. So just  
6 to kind of make sure that we're understanding where  
7 some of the documents that we have come from, and  
8 I'll share them with you. But these are documents  
9 that, I guess, we had arranged for a computer company  
10 to come and obtain your e-mails, and you provided  
11 your computer to them. Do you recall that? That was  
12 within the last couple of months.

13 A Yeah.

14 Q And so they obtained your -- did a  
15 search on your e-mails and your computer for certain  
16 terms. Do you recall anything about that?

17 A I know it happened. I don't know what  
18 they took or what they got, but I gave them access to  
19 everything, just like I was asked to do.

20 Q Sure.

21 A So, I mean, they never told me, like,  
22 hey, this is what we have, or I never heard from you  
23 guys saying, these are the e-mails we took. I don't  
24 know what you took.

1 Q Okay.

2 A But I'm trusting that you took what you  
3 needed and only what you needed, and that's the way  
4 it worked.

5 Q Sure.

6 A You're not in a position that I didn't  
7 trust to turn it over to you. But yeah, I did.

8 Q Appreciate that.

9 We'll go through some of those documents  
10 now. They're just basically some background e-mails  
11 and correspondence that you had with people like  
12 Steve Shapiro at DirecTV and others.

13 A Okay.

14 MR. STEINMETZ: With respect to the  
15 e-mails, I just want to point out for the record that  
16 we got these the day before Thanksgiving at the close  
17 of business and haven't had a chance to review them  
18 yet. They don't appear to have been reviewed for  
19 confidentiality.

20 So DirecTV reserves the right to make  
21 any sort of confidentiality designation, particularly  
22 around customer information, that was not made in the  
23 first instance.

24 Q I've got a notebook in front of you with

1 some documents that I'm going to ask you about.

2 MR. BARRETT: I do want to talk about  
3 DirecTV's participation in this deposition just on  
4 the record.

5 I think it's inappropriate for DirecTV  
6 to participate in the deposition if it takes the  
7 position that the litigation is stayed with respect  
8 to it. It was given the opportunity to fully  
9 participate in the deposition if it wanted to,  
10 provided it gave us documents that it has not given  
11 us in discovery.

12 So we're taking the view that by  
13 objecting and otherwise participating actively, that  
14 DirecTV is waiving its right to the stay, and I think  
15 it's inappropriate for DirecTV to object and  
16 otherwise participate. But I understand counsel may  
17 see it differently, and you can certainly state your  
18 view on that.

19 MR. STEINMETZ: Yeah, we would like to  
20 state our view for the record.

21 The case is stayed as to DirecTV pending  
22 an appeal of a motion to compel arbitration. This  
23 isn't our witness. We don't have -- we're not asking  
24 questions of the witness. We're not obviously

1 participating fully in the deposition. We haven't  
2 noticed any discovery.

3 But to the extent that the deposition is  
4 going to be sought to be used against DirecTV, which  
5 I assume it will be, I don't know why it would be  
6 going forward if it wasn't, we obviously have the  
7 right to object.

8 If you guys are going to go forward with  
9 this deposition while the stay is going on against  
10 DirecTV and the appeal is pending, we have the right  
11 to protect our interest in the ongoing litigation.  
12 You know, we have not issued a notice or issued any  
13 discovery. So I don't believe that we have impacted  
14 the stay in any way, and that is DirecTV's position.

15 MR. BARRETT: Thanks.

16 By Mr. Barrett:

17 Q Lawyer stuff out of the way. Now we'll  
18 jump back into it.

19 Okay. So you had some success in  
20 selling DirecTV with these earlier retailers, and you  
21 decided that you wanted to have a retail agreement of  
22 your own, and you contacted DirecTV. Does that all  
23 sound correct and fair?

24 A Yes.

1 Q And do you remember who you first spoke  
2 with at DirecTV when you were exploring your own  
3 retailer agreement?

4 A Retailer agreement?

5 Q What do you call the agreement that you  
6 reached with DirecTV to sell DirecTV through AC1?

7 A There's a process that you have to go  
8 through. It's a pretty lengthy process.

9 Mostly was information that they  
10 obtained from me. They run a credit check and they  
11 make you sign a contract, and, you know, they get you  
12 set up through Perfect 10, who is your distributor.  
13 And then, you know, they got to go through the  
14 process of getting you approved and all that. Then  
15 you become a retailer.

16 You're assigned a manager, and you meet  
17 the Perfect 10 representative, and pretty much start,  
18 you know, building a sales plan and move on with it.

19 Q Okay. What was your -- how did that  
20 relationship with Perfect 10 work? You said they  
21 were your distributor?

22 A Yeah, they're the distributor. They're  
23 the ones that you order your equipment from, the  
24 satellite dishes, the poles, the boxes, the Genies,

1 the minis, wire cable, connectors, ends. You name  
2 it, they have it. They're pretty much the  
3 distributor for all of DirecTV.

4 Q Okay. Let's pull up this notebook and  
5 turn to Tab 3. Take a look at that, if you will.  
6 This is a document that I think you had provided to  
7 your earlier lawyer, Brian Price, and he had provided  
8 to us.

9 It's Tab 3, Kyle.

10 MR. STEINMETZ: Got it.

11 Q This is, as I understand it, you tell me  
12 if you agree. This is an agreement that you had  
13 reached with -- between AC1 and AT&T Services. It's  
14 called an AT&T Preferred Dealer Agreement for a New  
15 Dealer, and the dealer contact is Donald Cox. Have  
16 you seen this document before? Do you know what it  
17 is?

18 A You realize that this is my father,  
19 right?

20 Q Yes.

21 A Okay.

22 Q Donald Cox, yes.

23 A Okay.

24 Q But have you seen this document, or have



1 you been aware of any kind of contract between --

2 A Yes, I've seen it.

3 Q And this is called the AT&T Preferred  
4 Dealer Agreement.

5 A Yes.

6 Q Is that terminology that you've used  
7 before when talking about the contract, I think, with  
8 DirecTV?

9 A Yeah. I mean, it's the agreement, I  
10 guess. I mean, I've never really -- I've never  
11 really went through it --

12 Q Sure.

13 A -- to be honest.

14 Q I'm not going to ask you any kind of  
15 detailed questions at all about this. Just trying to  
16 kind of establish the timeline.

17 A You're supposed to read through it. I'm  
18 sure that -- I mean, my dad and me have went through  
19 it two years ago, but I haven't went through it  
20 forever.

21 Q Sure. I'm not going to ask you any  
22 questions about it beyond just --

23 A I mean, I couldn't tell what it says.

24 Q Sure.

1           A       But, yeah, I know that's part of the  
2 first step.

3           Q       Sure. Okay. And the date on this is  
4 6-9, 2017?

5           A       Yes.

6           Q       Does that sound right, it was June of  
7 2017 when --

8           A       Yeah, that's exactly right.

9           Q       Good. AC1 Communications, LLC, that's  
10 Adam Cox, right, AC?

11          A       Yeah, if you want to say that. Yeah.

12          Q       It's an LLC. Is it like an Ohio  
13 corporation, do you know?

14          A       Yeah. We were licensed in Ohio, yes.  
15 No, no, no, no, no. Sorry. It's Kentucky. Based  
16 out of Ashland, Kentucky. Sorry.

17          Q       I think that's --

18          A       Diederich Boulevard, Ashland, Kentucky.  
19 378 Diederich Boulevard, Ashland, Kentucky.

20          Q       Right.

21          A       Our office was in Ohio. We were a  
22 registered Kentucky company.

23          Q       Got it.

24                   So June of 2017 is when you signed this

1 contract, and I guess that's when it became official  
2 that AC1 was selling DirecTV, right?

3 A Yes.

4 Q And what is the term that you use when  
5 referring to your company? Is it an authorized  
6 retailer for DirecTV?

7 A We're a preferred dealer.

8 Q Dealer?

9 A Yeah. We're a local retail store.  
10 We're not corporate, and we're not affiliated with,  
11 like, an AT&T store or a corporate store or a store  
12 you see in the mall or anything. We're our own local  
13 retailer.

14 I mean, you can run it out of your  
15 house. You don't have to have a store front, you  
16 know. You can be a retailer by traveling around  
17 everywhere, not even having a store front.

18 Q That's basically what you were --

19 A Yeah.

20 Q -- you didn't have a store front?

21 A Yes, we did have a store front.

22 Q Oh, you did?

23 A Yes. But not like an AT&T corporate  
24 store. I mean, like, it was my own store. You know

1 what I mean? It was AC1. It wasn't DirecTV or AT&T.  
2 It was AC1 store.

3 Q Was that this Ashland address?

4 A No, sir.

5 Q Where was the store front?

6 A In Wheelersburg, Ohio. 89 -- I don't  
7 know -- Ohio River Road, Wheelersburg. I can't  
8 remember the actual numbers. It was on Ohio River  
9 Road in Wheelersburg, Ohio 45694.

10 Q Did you have a sign out front?

11 A Yeah.

12 Q Did it say DirecTV, or did it say AC1?

13 A It said AC1 Communications.

14 Q Was it -- did you keep regular hours?  
15 Like, could people walk in --

16 A Yeah.

17 Q -- or was it just where you had your  
18 operations?

19 A It was -- we had hours and people could  
20 walk in. We had a showroom, had TV's and stuff out  
21 and show people how -- what to do. They could pull  
22 up a chair and sign up for service. Had a couch and,  
23 like, a little showroom. Mostly for people that  
24 wanted TV service. It wasn't nothing, like, fancy or

1 anything, but it was pretty decent. It was okay.

2 Q Sure. So up until, I guess, your  
3 retailer agreement was terminated by DirecTV in, I  
4 believe it was January of 2019, does that sound  
5 correct to you?

6 A Yeah.

7 Q And is that when you -- did you shut  
8 down AC1? Did it go out of business?

9 A Yeah. In fact, I never heard from  
10 DirecTV after that. I've never been in contact with  
11 them since three weeks ago -- four weeks ago when a  
12 lady reached out to me for the first time.

13 They froze our account. Money that  
14 was -- I've never got paid anything that's -- I don't  
15 know if they've ever paid me for -- I don't know. I  
16 don't know how the contract ended. I don't know if  
17 all pay is froze, never pay me again for anything  
18 after so long or residuals or anything. I don't know  
19 nothing. Never been talked to by them since.

20 Q How much do they owe you by your --

21 A I have no -- I don't know. I don't know  
22 how they do it. I've never been informed. I've  
23 never been told, like, hey, you had this much in  
24 chargebacks over a period of time that we deducted

1 from this. Or after we took this and you owed us  
2 this and we owed you that and this is what was left  
3 and you still owe us this amount or I owe you. I  
4 have no idea.

5 Q Do you think it's, like, more than  
6 50,000 bucks?

7 A Oh, if I would have got my residuals, if  
8 I would have not lost -- I mean, heck, if I would  
9 have got residuals for all the people that I signed  
10 up in 2017 and started getting residuals now in 2019,  
11 you're talking about way more than that.

12 Q How much would you kind of ballpark it?

13 A You're talking probably 150,000 a year  
14 that I would have made just off residuals. I mean, I  
15 had -- we averaged 200 to 250 customers a month for  
16 two years dang near or whatever, a year and a half.  
17 I mean, you take all those customers in and I'd say  
18 it hurt. I don't know. I have no idea what would  
19 happen.

20 Legally, DirectTV probably don't even  
21 have to talk to me about it because this is my dad.  
22 My dad had no idea that I was breaking any of the  
23 rules of his contract, but he got terminated for it  
24 instead of me being punished. My dad wasn't everyday

1 operations, never was and never would be. He did it  
2 for me because I'm the son.

3 He wasn't involved in any day-to-day  
4 operations, payment. Never received a dime from the  
5 pay ever, so. He's got health issues and stressed  
6 and worried. It's caused a pretty good amount of  
7 emotional damage to my family.

8 Q I'm sorry to hear that.

9 A Did I mention I have seven kids?

10 Q No.

11 A I do.

12 Q That's a load of kids.

13 A I didn't produce them all. Some of them  
14 was hers. I kind of Brady Bunched it.

15 Q Take care of them all?

16 A Yeah, I love them all. They're all good  
17 kids too.

18 Q Good. So was the last time that you  
19 received a payment from DirecTV around January of  
20 2019 when you were terminated?

21 A Once I got terminated, and honestly, I  
22 think I messed up by getting an attorney from the  
23 start in this case. I paid Brian 20 thousands of  
24 dollars and ran out of money to pay him, and now I

1 have nothing. So I never really got defended in this  
2 case, and all he ever did for me was get me in  
3 contact with you guys to where you could pretty much,  
4 you know, have all the information you needed.

5 Brian's a good attorney. I realize  
6 that. But everybody else that's in this case and  
7 didn't answer, didn't get an attorney, I don't know  
8 if anything has ever happened to them. I mean, if I  
9 didn't get an attorney, would I still have my DirecTV  
10 license right now because the case is pending and  
11 they'd say, well, we're not going to terminate you  
12 until we figure out if you're guilty or not?

13 I mean, would I have been skating under  
14 the radar if I wouldn't have got an attorney just  
15 like the rest of these people? Where's the other 14  
16 retailers at that's in this case or 15?

17 So I wasted 20, 40 thousand dollars on  
18 an attorney that -- and the insurance that I had to  
19 take out that was a million dollar policy for DirecTV  
20 didn't cover any of my -- any of this.

21 So, I mean, if they're going to make me  
22 sign this contract and get a million dollar policy,  
23 you'd think that the policy that I submitted to them  
24 would -- under anything that you get sued for by



1 somebody like this or do something wrong, that we're  
2 not liable but at least your insurance, you got the  
3 right insurance to cover it. But no, that's not  
4 happened, so.

5 Q Let's talk a little bit about how you  
6 got AC1 kind of off the ground in June of 2017, how  
7 you started.

8 A I started out in a little trailer, a  
9 little three-room trailer, and within a couple months  
10 I ended up getting a building down the road in  
11 Wheelersburg. It really takes off fast because you  
12 install.

13 You're paid every week. But once you  
14 start your commissions, the pay period runs from  
15 Friday to Thursday and everything that you sell you  
16 get paid for the following Monday. So you're looking  
17 at, you know, if you do 30, 40 installs a week,  
18 you're making 20, 25 thousand dollars a week before  
19 payroll and before your installation and overhead and  
20 everything.

21 It really got off the floor really quick  
22 because of the amount -- I mean, I'd already -- I  
23 mean, I'd already knew what I was doing from the  
24 previous five retailers that I worked for.

1 Q So when you had that three-room trailer,  
2 I think you said --

3 A Yeah.

4 Q -- you had some staff and some payroll.  
5 What was your -- who was on staff and what kinds  
6 sales?

7 A It was mostly me and Josh Kerr was a  
8 manager for me, and I think we had three or four  
9 sales reps that were working for us at the time.

10 Q Right. And you all had -- Mr. Price had  
11 provided some responses to some questions that we  
12 asked. He identified a few people with your help.  
13 Josh Kerr was a manager, Jason Pelphrey was a team  
14 lead. These guys were independent contractors?

15 A 1099 independent contractors. No one  
16 that worked for us was ever an employee. Everybody  
17 was 1099 contracted. They paid their own taxes at  
18 the end of the year. I paid them based off  
19 commission only. There was no hourly people ever  
20 that worked for me.

21 Q And there was Cameron Adams and Jesse  
22 Shortridge.

23 A Yes.

24 Q What --

1           A       Most of those people still work in the  
2     DirecTV field.

3           Q       Okay. What sorts of sales, you know,  
4     strategies were you using? Was it telemarketing?

5           A       Well, we did do some cold calling, yes.  
6     We did do door knocking, and we did do events. But  
7     we did a fair share of cold calling in different  
8     areas.

9           Q       Did that -- when you first started out,  
10    were you doing more events and door knocking and less  
11    cold calling? Kind of walk me through how that mix  
12    went.

13          A       The records will show that we grew from,  
14    you know, three, four, five sales reps up to, you  
15    know, close to 20. But we did all of it.

16                   I mean, Portsmouth and New Boston, this  
17    area is a pretty small area. I'm a pretty well-known  
18    person, and I have a lot of friends in a lot of  
19    areas. And heck, I mean, there's multiple --  
20    hundreds of walk-in customers that would contact me  
21    or call me.

22                   I did road signs. I did -- we put out  
23    tons of road signs over my years of just plastering  
24    the areas with my name and phone number. But, I

1 mean, there was multiple ways of selling. The most  
2 productive one was cold calling.

3 Q Would you say when you first started out  
4 in 2017, what percentage of your sales were cold  
5 calling?

6 A In 2017?

7 Q Yes.

8 A 50 -- 50/50, probably. About 50 percent  
9 of the sales were probably, you know, yeah.

10 Q You said that you got up to, I think you  
11 said, 200, 250 activations a month, right?

12 A Oh, yeah. Yeah, we were putting them in  
13 hot and heavy. West Virginia, thank God Suddenlink  
14 and Comcast was charging out the butt for bundles  
15 because West Virginia was a very good state in 2017  
16 production-wise for DirecTV.

17 Q So at your height --

18 A Kentucky was too. Ohio was all right.  
19 But West Virginia was unbelievable.

20 Q At your height, say 250 activations a  
21 month, what percentage of that was coming from  
22 telephone calls versus other strategies?

23 A I'd say -- I mean, you got to say good  
24 months were 180, bad -- or good months were 250, bad

1 months 180 installs. No less than 150 ever, I don't  
2 think, that we ever tried to do, and that was our  
3 goal to be a premier dealer and to make more per sale  
4 and to make more revenue and then pay us more.

5           You had to be a preferred dealer, and  
6 you had to do over 150 activations a month. They set  
7 the bar. Once you start doing it, then you know --  
8 once you start doing 150, your managers set every  
9 incentive at 150. Anything less, you don't make your  
10 bonuses.

11           They have a good bonus structure. They  
12 take care of the top performers. We made multiple  
13 thousands of dollars in bonuses over the course of  
14 the year and a half or so. I mean, I would say 150  
15 to 250 every month that we were in business.

16           Q       So at that time when you were going on  
17 the high end, was it still 50/50 between the calls --

18           A       Yeah, it was always -- it would  
19 fluctuate depending on the time period and depending  
20 on, you know. If you guys have ever been in sales,  
21 you know that right now is not a good selling point  
22 in time for DirecTV. The fourth quarter's usually a  
23 little low.

24                   Back in 2017, and you can tell by the

1 news and all of the articles, DirecTV was at its peak  
2 of performance. The TV and the Genie and streaming,  
3 people were starting to cut bundles in 2017. People  
4 were starting to realize that having all three  
5 services with a provider for \$200 was retarded.  
6 DirecTV started soaring up. We started, you know, it  
7 was really, really good.

8 Now, you know, you see all the people  
9 saying they're losing customers, they're losing this,  
10 they're losing that. I read it on the news. But  
11 it's just because of technology and everybody going  
12 to the internet and fiber and everything else.

13 I mean, 2017 was a very successful year  
14 for selling. I would say it always stayed at 60/40,  
15 70/30 in favor of cold calling.

16 Q And you had mentioned you had -- at one  
17 time you had 20 sales reps.

18 A Give or take a few.

19 Q Sure.

20 A But, yeah. We used to have six, seven,  
21 eight reps working in the morning and six, seven,  
22 eight reps working in the evening. Technicians and  
23 dispatchers and people doing follow-up calls and  
24 2-2-2 calls, which you call your customer two days

1 after and two weeks later and two months later doing  
2 the checkup to see if their service is good, you  
3 know.

4 Providing customer service. You have to  
5 provide customer service for these people. Even  
6 after you develop a relationship with them, they say  
7 you're not supposed to contact them via contract or  
8 via this or via that. But if I'm responsible for  
9 that customer for six months or a year on a  
10 chargeback period, which they could take all my  
11 commission back and me be out what I paid the  
12 installer and what I paid for this and paid for that,  
13 chargebacks bury companies. Most companies for  
14 DirecTV go out of because of chargebacks.

15 So if you are going -- and our customer  
16 service -- and that's the crazy thing. Our customer  
17 service was 99 percent. Two weeks before they  
18 terminated my contract, they gave -- my regional  
19 manager gave us a thing that showed all of our  
20 production and everything that we had did in that  
21 year, we were number one in the region and our  
22 customer service was at, like, a 98.0 percent. I  
23 mean, we were the number one area, retailer in the  
24 area.

1           Like, the people that worked for me, we  
2    did do telemarketing, but we also did a damn good job  
3    of keeping our customers satisfied and staying under  
4    the churn percentage and being profitable.

5           A lot of that was the 2-2-2 calls where  
6    you call the customer back and say, did you get your  
7    bill? Okay. Do you understand it? Do you have any  
8    problems? Here's our number. Call us if you have  
9    any questions. We'll do your service calls for you.

10          All of that goes into play, and those  
11    are all people that had to work and work off  
12    commission. I mean, some people would do 2-2-2 calls  
13    for me that would make \$10 a sale each week. If we  
14    did 30 sales, then they would get 300 bucks just to  
15    make sure our customer service stayed in line.

16          I mean, it was -- it was structured off  
17    of production. I mean, if we had a bad week of  
18    production, then everybody in the company felt it.  
19    So no one really benefited if we weren't productive.  
20    There was always a drive and a goal to be competitive  
21    to hit 30 installs a week minimum.

22          Q       What's a 2-2-2 call?

23          A       It's where you -- I mean, if you ever  
24    sell anything, from life insurance to, you know, a



1 car, you should call your customer back in two days  
2 and say: Hey, this is Adam. I sold you the DirecTV,  
3 or I sold you the Oldsmobile. I just wanted to  
4 check in with you. Say hi. Tell you that if you  
5 need me, contact me. Remember you should be getting  
6 your bill in the next couple days. Make sure you get  
7 it paid in the next two weeks. That way they get  
8 their first bill paid, and you're on success for not  
9 getting a chargeback.

10 Numerous people in southern Ohio,  
11 Kentucky, and West Virginia is the poorest area in  
12 the country. So you really had to make sure these  
13 people were paying their bill or you lose all your  
14 profit.

15 I mean, DirecTV didn't care. If they  
16 had it for, you know, eleven months and cancelled,  
17 they're taking that whole commission back. They're  
18 not taking based off of them only having one month  
19 left. They're taking everything they paid you back.  
20 So, I mean, you're talking money that you already  
21 paid an installer that you're not going to get back.  
22 Trying to charge your sales reps chargebacks because  
23 they're charging you.

24 So if a sales rep worked for me for

1 three years and they'd built up a bank or they'd  
2 built up a chargeback bank that says, hey, you know,  
3 take this money from -- you got two chargebacks this  
4 week. We got to take this out of your bank type  
5 thing.

6 So a lot of the things that I learned  
7 from Western Southern and working for Western  
8 Southern on how they did their commissions is what I  
9 put in place for my sales reps.

10 Q So your sales reps, when you had -- at  
11 the height, say you had about 20 people, how many of  
12 them were sales reps?

13 A Fifteen.

14 Q And where --

15 A But everybody sold. I mean, everybody  
16 had the ability to sell throughout the company.

17 So if you were, you know, customer  
18 service in a 2-2-2 call, the one thing that you've  
19 really got to do is ask them if they're happy with  
20 the service you provided them and ask them if there's  
21 anybody else in their friends or family circle that  
22 you can do the same service for. I mean, you ask for  
23 referrals. So that's a big part.

24 And that's really what happened in this

1 case. Is that a wrong number was given, and we  
2 contacted Diana once off of a dial, and then they  
3 placed that into the system, it went through and we  
4 made another call to her, and then we placed her on  
5 the do not call list on our dialer.

6 But I reached out to Diana the day  
7 after, and we talked, and everything seemed  
8 legitimately okay because I apologized to her.

9 And I looked her up. After she  
10 contacted me, I looked her up, and I already knew  
11 that I probably just screwed myself by making this  
12 one freakin' phone call to one lady that has a  
13 history of being able to sue people for violating her  
14 rights.

15 Q We'll look at the -- we've got the call  
16 records, the call logs that you produced. We'll take  
17 a look at that and get a handle on, you know,  
18 information about the campaigns or whatever that you  
19 were using.

20 So at the height when you had around 20  
21 people, 15 of them were full time in sales; is that  
22 right?

23 A Yeah. I mean, they sold any time,  
24 anywhere nationwide. They could sell it from home,

1 they could sell it from the office. They could sell  
2 it wherever they were.

3 Q How did they make sales? Did they come  
4 to a physical workplace, or did they work from home?  
5 How would they actually get in touch with people?

6 A How did they get in touch with people?

7 Q Yeah, how would they actually talk to  
8 potential sales clients?

9 A It just depends. It depends on what  
10 kind of lead it was.

11 Q Right.

12 A Are you talking about a phone lead?

13 Q Yes. Yes. How would the calls get put  
14 through to your -- some of your sales reps?

15 A Well, we kept a really good record of  
16 our leads. We had a system called Agemni, and we had  
17 all of our leads in there. And, I mean, anybody and  
18 everybody that contacted us or talked to us over a  
19 five-year span that I had talked to was in this  
20 software, in this program. I have thousands upon  
21 thousands of leads that we had that way.

22 But we also had a process of -- I think  
23 it was -- if I can remember right, it was called  
24 TelephoneLists.biz or something like that. We would

1 load leads off of there. Mostly we would try to --  
2 well, the guy that did that got fired for not  
3 scrubbing the list. I had to terminate him.

4 Q Who was that? Somebody worked for you  
5 was buying lists from -- telephone lists?

6 A Someone that I had put in a management  
7 position was making the leads and the list and  
8 putting them into the XenCALL dialer.

9 Q XenCALL is X-e-n, CALL, C-A-L-L?

10 A Yes. It's a Canadian-based company.

11 Q So this person that you fired was  
12 basically buying leads that --

13 A We were buying -- we were buying them.  
14 I was buying them. The company was buying them. But  
15 he was over making the leads a list.

16 So I if said, hey, load Jackson County,  
17 Ohio today, then he could go in and pull up a thing  
18 that said we want to get anybody ages 45 to 65 that  
19 owns their home and has an income of this and blah,  
20 blah, blah. And it would say 79 records or 248  
21 records, and then you could copy and paste those  
22 records, put them into the dialer. They would kick  
23 them to the person as the person answered.

24 Q So --

1           A       It wasn't robocalling. It was an  
2       automatic dialer to where you put the leads in and it  
3       would kick it and you had a headset on and it would  
4       beep and you'd say hello. And if it was a guy, you  
5       would say: Hey, John, this is Adam with AC1  
6       Communications. How are you today? That's pretty  
7       much how the call went. You never said DirecTV, you  
8       never said AT&T.

9                   A, the reason we didn't say AT&T and  
10      DirecTV was because it was illegal. We knew it was.  
11      So we never identified ourselves as DirecTV or AT&T,  
12      but we also sold different providers through Perfect  
13      10, which was Frontier and Spectrum and different --  
14      CenturyLink and things like that that telemarketing  
15      is legal for. They do allow it.

16                   So we never really represented ourselves  
17      as DirecTV or AT&T. We tried to stay away from that  
18      for the simple fact that it was illegal.

19                   So we would open the call by saying:  
20      Hey, we're just doing TV service in your area. We've  
21      been helping a lot of people here in Branchland, West  
22      Virginia. Who do you currently have your service  
23      with? And they would come back and say Shentel.  
24      We'd be like, oh, okay. Well, we do have some

1 specials out there in your area that we've been  
2 helping people with. Some of the things that we can  
3 do is take an application here and see who we can get  
4 you approved for and what's in your area.

5 Then you can Google Allconnect.com and  
6 it would tell you what providers are available. And,  
7 of course, we was going to say: Oh, well, look here  
8 it. It shows here that we could get you DirecTV for  
9 \$59 a month. Now the internet and phone showing  
10 Frontier available or you already have, you know,  
11 Shentel phone and internet. Why don't you just keep  
12 it with them and, you know, cut your bill in half.  
13 You're paying \$200 for Shentel. I can get you  
14 DirecTV for 60, keep your phone and internet for 80.  
15 You're paying 140 instead of 200. That was pretty  
16 much the spiel that you would go with on almost every  
17 call.

18 I mean, that was the gist of it. You  
19 didn't identify yourself, and I would terminate  
20 people that violated that. Like, if someone said  
21 they represented AT&T or DirecTV, I took it very  
22 serious.

23 The guy that loaded people that were on  
24 the do not call list was terminated after I turned

1 this stuff over to Brian, and I let him go after I  
2 figured out he was doing it for a year.

3 Q Who was it?

4 A Shawn Lamb.

5 Q Shawn Lamb?

6 A S-h-a-w-n L-a-m-b. Still works for a  
7 retailer to this day.

8 Q What retailer?

9 A North Kentucky Satellites.

10 Q Are they --

11 A They got offices in two different  
12 states, and I'm sure he's doing the same stuff as he  
13 was doing for me.

14 Q Are they DirecTV?

15 A They're the biggest one right now.

16 Q Biggest DirecTV?

17 A Yeah, by far the biggest. I mean,  
18 they're by far. That's what kills me.

19 Q So when you were doing --

20 A They just moved from my company to  
21 another one. I mean, still going on. I'm the only  
22 one sitting here.

23 Q So when you were doing the 250  
24 activations for DirecTV like at the height --



1           A       I was king.

2           Q       -- were you doing any activations for  
3 any other --

4           A       Oh, yeah. We did Viasat. We did -- I  
5 did some Frontier, CenturyLink, Windstream. Oh,  
6 yeah, there was multiple things that was under your  
7 umbrella that you could sell. DirecTV paid the best.

8                   DirecTV -- I mean, tell me that you can  
9 make \$20 selling this or you can make \$550 selling  
10 this, you pay your rep \$10 for selling that or you  
11 can sell your rep a hundred dollars for selling this.  
12 What are you going to try to sell?

13          Q       Sure.

14          A       Plus DirecTV, they are number one for a  
15 reason. I mean, they have the best services.

16          Q       If you were to go back and check some  
17 records or something and determine how many  
18 activations you were doing for other providers, how  
19 would you do that? Say in a month when you had 250  
20 DirecTV, how would you be able to find out if you did  
21 any other activations?

22          A       Well, my Agemni kept track of all my  
23 customers. I could pull up Agemni and go to my  
24 leads, customers, scheduler. It shows me a map of

1 where my installers are. It shows me who got  
2 installed yesterday.

3 I can pull up a report and say, show me  
4 who got installed between 11-1 to 11-30 of 2017, and  
5 all my customers would pop up, and I'd scroll down  
6 and say, well, it looks like we did 182 installs this  
7 month. I could go and say: How many cancels did we  
8 have before install? And I could pull up those  
9 customers and figure out why they cancelled before  
10 their install. I could pull up people that are still  
11 pending and never did get in touch with before.

12 I mean, there's so much that you use  
13 your Agemni for. Agemni is, like, where everything  
14 you do goes to. From the lead, to a customer, to  
15 notes, to installer, to reports, to payroll, to  
16 inventory, to everything.

17 Q You had earlier provided us with your  
18 computer, and we sent it to the computer specialist.  
19 Is Agemni on that computer?

20 A No, that was my phone.

21 Q That was on your phone?

22 A Yes.

23 Q Like cloud?

24 A That Agemni account was never opened or

1 tied to AC1 Communications.

2 Q It's just an app?

3 A No. Agemni was opened through a  
4 different company.

5 The story is crazy. When I first opened  
6 up, I was a secondhand variety store type thing. It  
7 was called Finders Keepers. I was into freakin'  
8 buying storage lockers and going to auctions. I  
9 mean, I just -- it was something -- it was just  
10 like -- I started doing it for fun. I got a rush out  
11 of it. I liked it. I mean, it was kind of fun and  
12 unique. Never knew what I would find. Plus I could  
13 sell stuff for, you know, a hundred percent markup  
14 and stuff.

15 It was called Finders Keepers. So when  
16 I first opened up and started doing sales on my own,  
17 to get Agemni, I had to have a business license and  
18 all this. So I just turned in my Finders Keepers  
19 stuff to Agemni.

20 So Agemni, everything's under Finders  
21 Keepers. Agemni don't have no record of AC1 ever.  
22 Agemni was all under Finders Keepers, which was a  
23 company that was just -- I mean, that's how that  
24 started.

1                   My Agemni was under Finders Keepers. It  
2 was never affiliated with AC1 ever. But AC1 paid for  
3 the Agemni bill.

4                   Q       Do you still have Agemni, an Agemni  
5 account through Finders Keepers?

6                   A       Yes.

7                   Q       Like if you were --

8                   A       It's not active. I mean, I don't have  
9 access to it. Are you asking do I use it now?

10                  Q       I'm just asking actually if you have it.

11                  A       I don't use it now. I haven't used it  
12 forever. I mean, I don't pay to keep it up. I don't  
13 pay to run work orders and do all that. I don't keep  
14 it paid. But, I mean, I could call Agemni and get it  
15 back on or get access to it, but I haven't.

16                  Q       Sure.

17                  A       I don't use Agemni for any DirecTV sales  
18 anymore obviously. So I don't have no reason to keep  
19 it.

20                  Q       Sure.

21                  A       But the only reason I would keep it is  
22 because it does have every one of my customers and  
23 leads in it. If I ever want to try to get paid or  
24 tried to see what I'm owed, then I have to have some

1 type of proof that shows the amount of installs and  
2 jobs that I did.

3 Q So when you were making the calls or  
4 your people were talking to people on the telephone  
5 about sales, I mean, DirecTV was the number one sale  
6 for you because of the --

7 A We sold it more than anything else.

8 Q Sure. Was it, like, the first thing  
9 that you would offer when you would call people?

10 A Depending on what they needed. We would  
11 say: Who do you have your TV service with?

12 Q Did you sell any other TV service to  
13 people other than DirecTV? In other words, when you  
14 were selling other products, was that, like, phone  
15 service, telephone service, for example?

16 A We didn't do any cell phone services or  
17 anything like that. You could do phone and internet  
18 if they offered Windstream or Frontier or a different  
19 provider that we were capable of selling.

20 That's what they do is they'll hide the  
21 calling to where it's not AT&T or DirecTV. You're  
22 calling based off of, you know, a different company.  
23 I mean, these guys out here nowadays that are still  
24 doing it are probably going under, you know, freakin'

1 Worldwide Communications that don't even exist. But  
2 when they put a sell in, it'll pop up and give credit  
3 to North Kentucky Satellites or Steel Security or AC1  
4 or whatever retailer they're working for. They don't  
5 tell the truth on who they're calling or representing  
6 nowadays that I've heard.

7 Me personally, we opened with: This is  
8 AC1 Communications, and we offer and provide TV  
9 service. We're hometown, family owned and operated.  
10 We only have a certain amount of customers, and we'd  
11 like to take care of you. That was our goal.

12 We never lied or misled any customer to  
13 believe that we, you know, were AT&T or DirecTV.  
14 Like, no one ever said: Hey, this is Adam Cox with  
15 AT&T. We're calling to talk to you about your phone  
16 and TV. No, it wasn't like that.

17 It was disguised to where you were  
18 loopholing. I mean, that's the way it works. You  
19 guys are smart individuals. Everything has a  
20 loophole.

21 Q So when you guys were -- your crew was  
22 loading leads into XenCALL and the calls were going  
23 out using XenCALL, was the first thing you were  
24 selling DirecTV, is that, like, what you wanted to

1 sell?

2 A Just depends on what the customer  
3 needed.

4 Q Right.

5 A You ask the customer what their wants,  
6 interests, and needs are. Some of them would say,  
7 no, I just want some better internet service. Some  
8 of them would say, yeah, my cable's terrible. Then  
9 we would attack that. Some people would say, I'm  
10 good with what I'm at. Some people would say, call  
11 me back. Some people would say, let me think about  
12 it. Just depends on what that customer would answer.

13 You had three questions that you were  
14 taught: Who do you have? How much you paying? You  
15 know, what's your favorite channels? I mean, if they  
16 went TV, then you went: How many TV's you got?  
17 What's your favorite channels? Do you like sports?  
18 Do you watch any movies? Is there anything -- let's  
19 take a list of your favorite channels. That's how  
20 that went.

21 If they said internet: Okay, what do  
22 you use the internet for? Do your kids like to game?  
23 Do they like to, you know, get on Xbox? Are you  
24 streaming movies? Then you would start talking to

1     them about what package Frontier or CenturyLink would  
2     have. It was based off what the customer answered.

3             You can make commission off of anything.  
4     I told the people sell everything that you possibly  
5     can under the umbrella. Not every call's going to be  
6     the hundred dollar sell or not every call's going to  
7     be a commission where you get, you know. We wanted  
8     triple plays. They encouraged bundles.

9             If you would call in a AT&T footprinted  
10    area, you'd make a lot more money. We never did  
11    that. A lot of companies do. I was never -- I  
12    stayed tri-state. I was the biggest and best, and  
13    all I did was Ohio, Kentucky, West Virginia with a  
14    little bit of Virginia and Tennessee. You got other  
15    people that are calling all the way across the  
16    country and doing from Louisiana to Arkansas to  
17    Tennessee and they're based out of -- I mean, they're  
18    not doing events, and it's not rocket science.

19            I mean, if the managers of DirecTV  
20    really wanted to sit down on it, they could have. I  
21    mean, they could have been like, there's no way  
22    you're doing 250 without, you know. I mean, it  
23    should have been a red flag, I think, if they wanted  
24    it to.



1 I mean, heck, if you're my regional  
2 manager and you're living off of my production and  
3 Adam's continuously doing 250, are you going to --  
4 and I'm sitting over there, you're going to  
5 continuously look this way, right?

6 Q What was the red flag it would throw up?

7 A Just how people are getting sales out  
8 of -- like, I think that if they were such a big and  
9 smart and advanced company, like Dish Network a few  
10 years back or DirectTV now, how a small town Kentucky  
11 office is getting that many sales.

12 Like that's -- like, either A, we got to  
13 do what he's doing and, like, why was someone not  
14 reaching out to me saying: Adam, you got to go start  
15 training people on how to do this. If you can teach  
16 every one of our retailers to be like you, we'll make  
17 millions, millions upon millions, but they never did.

18 Q Why do you think that was?

19 MR. STEINMETZ: Objection. Calls for  
20 speculation.

21 Q Do you know why that was? You can  
22 answer. He's just stating an objection.

23 A I mean, it's common knowledge that  
24 someone would say that based off of your production,

1 that, you know, they're not going to bug someone  
2 that's good. I mean, they're going to -- as long as  
3 I stayed under the radar and I did everything that I  
4 was supposed to do, no one really said anything to  
5 me.

6 Q We've been going for a while. Let's  
7 take a short break. You want to do that? How long  
8 we been going?

9 A They got you noted up over here.

10 Q I know.

11 A I got to pee.

12 THE VIDEOGRAPHER: Going off the record  
13 at 9:43 a.m.

14 - - -

15 Recess taken.

16 - - -

17 THE VIDEOGRAPHER: Here marks the  
18 beginning of Media No. 2 in the deposition of Adam  
19 Cox. We're back on the record at 9:53 a.m.

20 Please proceed.

21 By Mr. Barrett:

22 Q All right, Mr. Cox. We'll get started  
23 again. So far so good with the process? Everything  
24 going well from your perspective?

1           A       I guess I'm doing all right. Am I doing  
2 okay on your guys' behalf?

3           Q       You are. I just wanted to make sure  
4 you're comfortable with everything and the questions  
5 are fair, we're doing what we need to do.

6           A       Yeah.

7           Q       I want to shift gears a little bit to  
8 get a handle on how things would work once a -- one  
9 of your sales reps would actually be talking with a  
10 customer who says, okay, I want to buy direct  
11 DirecTV. What would -- walk me through that process  
12 from, okay, I want to buy DirecTV, to the point of  
13 installation and service.

14          A       If the phone call got to the point to  
15 where you wanted DirecTV, then we would say: Okay,  
16 hold on one second and let me go ahead and get your  
17 application ready for you and see what I can do to  
18 get you approved and see what all you get for free.  
19 And then the lead that you would have, nine times out  
20 of ten it would be their phone number and address  
21 currently.

22                   So you could verify their name, address,  
23 phone number, zip code. You get all their  
24 information. You fill out the application --

1 Q Can I stop you there?

2 A Uh-huh.

3 Q How would you fill out the application?  
4 Would it be on a computer system?

5 A Yeah.

6 Q Whose -- like, would it be through a  
7 portal --

8 A Agemni.

9 Q -- to DirecTV?

10 A Agemni. You go into Agemni,  
11 A-g-e-m-n-i, and you plug in this person's name as a  
12 lead. Once you get them as a lead, you hit assign on  
13 the assign button, and it would go straight into DWS,  
14 which was DirecTV's retail site. You could go from  
15 Agemni, it would transfer you into the DirecTV  
16 application.

17 It would take the information that you  
18 plugged into Agemni and it would put it on the  
19 DirecTV application, and then all you would have to  
20 do is ask for their permission to run the credit  
21 application, get their approval, ask them if they're  
22 okay with you running a credit check, let them know  
23 this is going to check your credit, it is a soft  
24 credit check, blah, blah, blah. And, you know,

1 sometimes you would get people that weren't approved  
2 and sometimes you would get people that were  
3 approved. They rated them off of a star system,  
4 which was a one star, three star, or five star.

5 Q Who approved, DirecTV approved?

6 A Equifax or whoever was doing the credit  
7 check would tell you what level of customer they  
8 were. We tried to refrain from signing up a one-star  
9 customer because they had, not bad credit but not  
10 good credit, and that was a high risk.

11 It was a risk for us to take -- as a  
12 company to say, are we trusting this person to pay  
13 their bill for the 12-month period? And the five  
14 star we would say, that guy has excellent credit.  
15 They're going to pay their bill. That's the customer  
16 we want. And you would get paid based off of, you  
17 know, the level of the customer.

18 Q Who assigned the star rating?

19 A Whoever the credit bureau was. DirecTV  
20 AT&T, I mean, it was just based off their customers'  
21 credit.

22 Q So let's say that that has happened.

23 The customer says, I want DirecTV, you get the  
24 five-star rating. What happens next?

1           A       I would say, okay, let's go ahead and --  
2 usually with us we would push for a 24-hour window to  
3 make sure the customer, you know, was a solid  
4 customer and was going to get installed.

5                   Creating an Agemni work order costs  
6 \$2.25. So every time we'd create one, we wanted to  
7 make sure that customer got installed because if you  
8 do 200 a month, you're looking at \$400 or so in work  
9 orders.

10           Q       Who billed that?

11           A       Agemni.

12           Q       Agemni.

13           A       Yeah. They based it off how many work  
14 orders you do.

15           Q       Is Agemni linked -- like, is Agemni a  
16 DirecTV product --

17           A       No.

18           Q       -- or service?

19           A       No. It's a service that's provided to a  
20 lot of people in this industry. Whether you sell  
21 Dish Direct, Frontier. It give us -- we could keep  
22 track of every one of our customers.

23                   I just -- if I had a Dish retailer, I  
24 could have put Dish in there and it would have cycled

1 me into the Dish application, or if you put Frontier.  
2 You select the dropdown and it tells you which one  
3 you're selling, and then it would kick you into that  
4 application. So Agemni has access to a lot of  
5 different providers.

6 Q So the credit's approved, the customer  
7 wants to buy. Do you walk through certain  
8 disclosures that DirecTV requires you to give?

9 A Yeah.

10 Q What sorts of disclosures?

11 A I'm letting them know that they are a  
12 two-year contract. Letting them know their first  
13 year price. Letting them know that, you know, they  
14 have an early termination.

15 If they ever -- letting them know to  
16 remind them to cancel their movie channels. Letting  
17 them know to -- the NFL tickets are free for one  
18 year. Make sure you discontinue it if you decide to  
19 keep it. This is the -- I mean, there's a whole  
20 thing of disclosures.

21 Q Is that on DirecTV's computer system?

22 A Yeah.

23 Q And are you required to record any of  
24 that disclosure conversation?

1           A       Well, you're not required to call. So,  
2           therefore, you're not required to record it.

3                    I mean, like, if they -- they didn't  
4           know. They never asked, they didn't know. Don't  
5           ask/don't tell policy.

6                    So, of course, we weren't obligated to  
7           record it because we weren't supposed to be doing it  
8           in the first place.

9           Q       What do you mean you weren't -- you  
10          weren't supposed to be doing what in the first place?

11          A       We weren't supposed to be calling  
12          customers. That's why I got terminated. Violation  
13          of the company contract.

14          Q       I see. So you would provide the  
15          disclosures on the phone to the customer, and then  
16          what would happen next?

17          A       We would ask them what day would be best  
18          for them to be installed. We had three or four  
19          installers that worked for me at the time.

20                    I did most of the routing and scheduling  
21          of the technicians, and we would see where they were  
22          at and where they were located, what technician was  
23          there and what window fit best, and then we would  
24          assign the day, time, and put it on the scheduler.



1           Agemni had that too. They could click  
2 scheduler. Like, if you were selling for me and he  
3 was selling for me and he was selling for me and you  
4 all had a customer, you could click on the scheduler  
5 and say, okay, I got this customer in Huntington and  
6 the installer's showing that he's in, you know,  
7 Milton, so that would be great. Or this guy is over  
8 here in Olive Hill, Kentucky, so this Grayson would  
9 go with that.

10           You'd just kind of map it out on where  
11 your installer was, and you would agree on a time and  
12 a day with the customer that was best for them. You  
13 would always try to manage -- I mean, when you had 20  
14 sales reps, it was important for the sales rep to get  
15 three or four sales a week. Therefore, to make 300,  
16 400 hundred dollars in commission around this area  
17 was pretty decent money.

18           So you would always try to find the  
19 install before Thursday, before the end of the pay  
20 period. You know, people knew their commission  
21 dates. They knew, like, hey, Friday's the very first  
22 day of the pay period. Like, today is Tuesday. So  
23 we would know tonight, today, tomorrow and Thursday  
24 whatever we got would be it for the pay period.

1                   So a rep would come into work saying,  
2     man, I ain't got nothing yet this week. They'd know  
3     they'd have to really work hard today and tomorrow to  
4     get something on the board by Thursday. So anything  
5     you got installed Thursday would go on your  
6     commission.

7                   So usually we were slower installing on  
8     Sunday, Monday. Really good on Friday. Decent on  
9     Saturday. But Wednesday, Thursday was -- the  
10    schedule was always packed because sales reps were  
11    trying to get their sales in there to be able to earn  
12    a commission check.

13                Q     How would the pay come to you eventually  
14    and when?

15                A     DirecTV would pay us direct deposit into  
16    our company account, and then we would disburse it in  
17    payroll based off the amount of completions that we  
18    had.

19                Q     When the customer would pay the initial  
20    fee, would it come to you or would it go to DirecTV?

21                A     There was never an initial fee if  
22    they're approved. It's free setup, free equipment.  
23    I mean, as long as you're a one star, three star, or  
24    five star, you didn't have no money down. So there

1 was never any setup fee. We never received any money  
2 from the customer. Everything was free installation  
3 with us.

4 So if a customer ever wanted to do  
5 something extra, they would just pay my installer to  
6 kind of do it for them because my installer was also  
7 1099, and he was contracted to work and should have  
8 had his own insurance and should have had, you know,  
9 certifications.

10 Q So the people that you would sell the  
11 DirecTV to never actually paid you. They paid  
12 DirecTV and DirecTV paid you; is that correct?

13 A Yeah.

14 Q So who was your primary contact at  
15 DirecTV? Was it Shapiro?

16 A Yes.

17 Q His first name is Steve?

18 A Yes.

19 Q And what was his position, do you  
20 remember?

21 A I guess he would be the regional  
22 manager, territorial manager, our district manager.  
23 I guess that would be his role.

24 Q How often would you all talk or --

1 let's say --

2 A E-mail, telephone --

3 Q Back up and say we're sort of violating  
4 the talking over each other rule. We're doing good.

5 How often would you actually talk to him  
6 on the phone?

7 A Depending. Me and Steve were pretty  
8 close as far as him knowing me. Steve was the  
9 manager over every retailer that I worked for prior  
10 to me starting my own.

11 When I got licensed, that's why I opened  
12 it in Kentucky because that was Steve's area. So  
13 Steve knew what my capabilities were. He knew that I  
14 was the best. He wanted me to be in his region.

15 So me and Steve were pretty close. He  
16 asked -- I protected Steve from never telling him  
17 anything about it.

18 Q About what?

19 A About me calling. Like, I never told  
20 Steve. I never disclosed it to him.

21 I mean, I knew it was his job to make  
22 sure I wasn't doing it, but I didn't never tell him I  
23 was, and I never disclosed it and he never asked and  
24 I never said anything.

1                   Steve never -- now, Steve was the  
2 manager over all these companies that I worked for  
3 throughout the years. And every company from Steel  
4 Security on up did the same process. They all had --  
5 whether it was -- Five9 was a dialer that they used.  
6 Five9's who North Kentucky Satellites is using right  
7 now. It's a dialer just like XenCALL.

8                   All these companies that I worked for  
9 did that process all the way up through. Steve  
10 distanced himself from North Kentucky Satellites  
11 because of them telemarketing. So I knew that if  
12 Steve found out that he would want me in his  
13 territory anymore. So I kept it from him. But it  
14 happened at every one of the offices.

15               Q       Before you opened AC1, you --

16               A       Steel Security -- sorry. Steel  
17 Security, North Kentucky Satellites, and AC1  
18 Communications all are set up identically from head  
19 to toe. Agemni, dialer, leads, calling. They're all  
20 mirror companies. Every one of them.

21               Q       They're all selling DirecTV?

22               A       Yes. Now Steel Security don't do it  
23 anymore. Steel Security, Jeff has zero -- he's on  
24 his own. He don't have nothing to do with

1 telemarketing or anything to do with that anymore.  
2 North Kentucky Satellites and Mike Scott, they  
3 continue to dial to this day.

4 Q Did you ever have conversations with Mr.  
5 Shapiro about how you were generating the sales or  
6 just --

7 A I told him we had a lot of door  
8 knockers. I told Steve that there was a lot of door  
9 knocking and a lot of sales going on outside the  
10 area. And I kept my people within the tri-state area  
11 so it looked convincing enough.

12 We weren't, like, 17 states away. Him  
13 saying, how are you getting sales in Texas or  
14 Arkansas or Louisiana or Missouri and not have a  
15 reliable excuse, you know.

16 So, I mean, I usually worked the  
17 tri-state area: Ohio, Kentucky, West Virginia. West  
18 Virginia being the better area for me.

19 Q Did Mr. Shapiro ever visit you on-site  
20 here?

21 A Yeah. Yes.

22 Q Where would he come when he would visit  
23 you?

24 A He would come to different locations.

1 We would meet for lunch, or he would come by the  
2 office or my office.

3 Q Did you have telephone sales agents  
4 working at the office?

5 A Yeah. Not the day that Steve came. I  
6 mean, they were all planned visits with e-mails and  
7 stuff. I mean, it was, like, if Steve was coming, no  
8 one showed up at work that day.

9 Q Would anybody else from DirecTV come to  
10 visit you?

11 A No.

12 Q Just Mr. Shapiro?

13 A Yeah. I might meet someone at a  
14 conference here and there if I traveled to different  
15 conferences and stuff, but they never visited me at  
16 my location or my shop.

17 My shop was separated, you know. Like,  
18 there was a top level of the office and then there  
19 was a basement. If you came to the top level, you  
20 would never know anybody was in the basement. I  
21 mean, if you walked in my store, you would never know  
22 that there was 15 people down there working.

23 I mean, there was a back door and an  
24 exit and an entrance to the basement, and they used

1 that. Upstairs was all showroom and managers and  
2 offices and where you did interviews and where  
3 walk-in customers came and where we had training  
4 classes and stuff like that. If you walked into the  
5 building, you would never know that there was ten  
6 computers downstairs with people calling from.

7 Q Do you know any other -- any other  
8 retailers that were generating 250 activations a  
9 month that were doing that based on just door-to-door  
10 campaigns?

11 MR. STEINMETZ: Objection; calls for  
12 speculation.

13 Q I'm not asking you to speculate.

14 A Oh there's --

15 Q My question was: Do you know?

16 A Yeah. That did door to door? Yeah,  
17 absolutely. Absolutely. There's absolutely  
18 companies from -- I mean, a bigger part of them are  
19 the Latino market and the Spanish market, they do a  
20 lot of door to door. Arizona and people that have  
21 better weather, they have better door-to-door crews.  
22 I mean, this area is not freakin' like a big city,  
23 you know, a nice area to where you can hit a good  
24 neighborhood.



1 I mean, you can go to different places,  
2 Louisville, Lexington, and be very successful at door  
3 knocking. You do it in Portsmouth. You got  
4 Portsmouth or big cities. I mean, you can do door to  
5 door. Depends on where you are.

6 I probably could of -- if I would have  
7 had my company based off that, I think I could have  
8 managed it to do that. I just never did because it  
9 was so easy doing what I was doing, and we were so  
10 good at it that why would I ever spend money on  
11 hotels and sending people here and there if I can sit  
12 here and do the same amount of sales.

13 Q Did you talk with Mr. Shapiro about how  
14 many sales representatives you had working for you?

15 A Not -- I mean, he didn't know all of  
16 them. He didn't personally know all of them. He  
17 knew a handful. He knew top sales rep.

18 He would visit, and I would show him  
19 faces of people that he needed to see and I would  
20 have, you know. And we would work events and we  
21 would door knock. So if he ever wanted to see it, we  
22 was okay.

23 Like, if he said, hey, Adam, I need your  
24 crew to be at a home and garden show in Lexington, we

1 would be there and we would set up and we would be  
2 successful. So he never really thought, like, you  
3 know, this isn't happening or, you know.

4 Q Who would he meet with? You mentioned  
5 top sales reps. Like, who were some of those people?

6 A Just some of the people like you just  
7 mentioned there. Cameron and Jesse and Jason and  
8 Josh and Dave Nolan and Shawn. I mean, all these  
9 people.

10 I could name 50 people that are either  
11 in DirecTV sales currently still or out of DirecTV  
12 sales that was really good that's worked for me in  
13 the last three years in this area. And if they  
14 didn't work for me, they worked for North Kentucky  
15 Satellites.

16 I mean, we're competitors in the same  
17 area. We did the same business. So if they left me,  
18 they went to him. If they got tired of him and got  
19 upset with him or something didn't go right or a  
20 manager pissed them off or something, then they would  
21 come back to me.

22 Q "Him" is North Kentucky Satellites?

23 A Mike Scott. Yeah, Mike Scott. I mean,  
24 him and me were partners. We had a falling out, and

1 I started my own. I worked for North Kentucky  
2 Satellites from day one of them being DirecTV until  
3 2017. Me and him parted ways on January of 2017.

4 Q His name is Mike Scott?

5 A Yeah, Michael Scott.

6 Q I'll remember that from the office.

7 A He's the number one provider for DirecTV  
8 in the area.

9 Q And he uses telemarketing?

10 A Oh, for sure. One hundred percent. Two  
11 locations.

12 But I just told you, he's a direct  
13 mirror of me. So he's doing -- he's going to say the  
14 same thing that they didn't know, that he's not  
15 calling on behalf of, that he's calling on behalf of  
16 Spectrum or whoever else, but he's doing 250  
17 DirecTV's. So, I mean, it's not rocket science.

18 Q How likely is it that somebody could --  
19 in this area could generate 250 activations, like,  
20 somebody like yourself without using telemarketing?

21 A It's impossible. I've been doing it for  
22 five years. Anybody and everybody that sold for  
23 North Kentucky Satellites, and you look it up, or  
24 worked for AC1 or, you know, Streamline

1 Communications out of Louisville, Martin, there's  
2 thousands of customers in this area from us. I mean,  
3 millions -- I mean, hundreds of thousands. I would  
4 say with Mike's customers and my customers we were  
5 well over 10,000 last year, easy.

6 Q Most of them telemarketing-generated  
7 clients?

8 A Oh, yeah, yeah. And like I said, smart  
9 enough and crafty enough to hide it from them. To  
10 try -- to think that we are. That once you get into  
11 the cycle of making \$25,000 a week, you're going to  
12 get in the cycle of thinking, hey man, we're getting  
13 by with this. We're getting by with it, and they're  
14 not saying nothing. Let's just keep going. Let's  
15 just keep going.

16 I wish I'd did it different. I wish I'd  
17 never lost my license. I wish I'd learned from this  
18 mistake.

19 I've told North Kentucky Satellites,  
20 man, you got to stop. You have to stop. And they're  
21 like, no way. It's greed, and it's money, and it  
22 bites you in the butt, man.

23 I mean, for this area, you're making  
24 200,000, 300,000 dollars a year. It was freakin'

1 awesome, man. I went from being down on my luck to  
2 being very profitable and driving a new truck that's  
3 pretty rough to pay for at the time. I still got  
4 five years, and I don't know how in the world I'm  
5 going to pull that five years off. But back then, I  
6 had the money to do it.

7 I mean, it wasn't nothing for me to say,  
8 here, dad, is \$5,000 or, mom, you need help with  
9 Christmas, you know. It wasn't nothing for me to  
10 have that kind of money.

11 Same goes with -- me and Mike both have  
12 bought new houses, new cars, vehicles. We were best  
13 friends. We were, like, best friends. Like,  
14 Robin -- I was Batman probably, he was Robin.

15 Q Why the falling out?

16 A That's personal. That wasn't business  
17 related. That was something personal that happened  
18 between me and him.

19 Q I don't need to ask anything more about  
20 that.

21 A It was -- we'd been best friends since  
22 college. We'd been college roommates.

23 I mean, if you know me, you know Mike.  
24 If you know Mike, you know me. If you're Steve

1 Shapiro, you know us both. You raised us both in  
2 DirecTV. He marketed us both.

3 I mean, he knew that, hey, I've got  
4 these two guys that are great salesmen for Steel  
5 Security. Mike and me both worked for all the same  
6 companies, Steel Security, Streamline, and then Mike  
7 opened his own and then I opened my own. It was the  
8 same process all the way through.

9 Q Did Steve ever tell you he didn't want  
10 to know how you were generating the sales?

11 A Oh, he'd -- yeah, he made it very clear  
12 that he didn't want to know anything if -- anything  
13 that we would do illegally or against the contract.  
14 Not illegally. I mean, because most of these -- I  
15 mean, North Kentucky Satellites had been doing it for  
16 four years. They're not in no suits.

17 So we'd try not to piss people off or  
18 violate anybody's rights, and we definitely don't try  
19 to be polite -- or, you know, not polite or courtesy  
20 on every call, and you'd take people off the list if  
21 they don't want contacted, and you'd try not to load  
22 people that are on the do not call list, and you try  
23 to abide by all the rules, but you're a small  
24 retailer that you think, oh, this will never happen.

1 This could never happen to me, and it can.

2 I've got calls from Mike Scott's  
3 telemarketers on my records. Why can't I sue? Why  
4 can't I sue you guys for this?

5 Q Would you go off on some conferences,  
6 like, DirecTV kind of --

7 A Yeah, we'd go to -- well, I went to  
8 Vegas twice, and then I went to somewhere, Dallas. I  
9 mean, I've been multiple places over the five-year  
10 span different of different, you know, different year  
11 end -- what do they call them, do you know?

12 Q Revolution, maybe?

13 A Yeah.

14 Q You'd go to those?

15 A Yeah.

16 Q And would they --

17 A Go ahead. Sorry.

18 Q What sorts of -- would they ever put  
19 you, like, on a panel or something to talk about your  
20 sales strategies?

21 A Me?

22 Q Yes.

23 A No.

24 Q Would they put -- were other dealers who

1 were successful kind of be on those panels?

2 A No. Mostly it was all corporate people.  
3 I think sometimes where they made a mistake is they  
4 should have reached out to some of those bigger  
5 retailers on communicating and talking and figuring  
6 out why and how they were doing things, but it was  
7 never really a question. I mean, you just had to say  
8 that you were door knocking. That's all you had to  
9 say.

10 Q There were other retailers that you  
11 would meet at these conferences who would be  
12 telemarketing and they would just say, you got to  
13 tell people at DirecTV you're door knocking, is  
14 that -- am I right about that?

15 A Oh, yeah, yeah. You would cover your  
16 stories and make sure no one ever said anything about  
17 calling. I would never take anybody stupid enough to  
18 say anything dumb around anybody important anyways.  
19 But everybody knew that they had to lie about it,  
20 unfortunately.

21 Q How many do you know about would  
22 telemarket for DirecTV but not tell DirecTV they were  
23 doing it?

24 A How many total do I know about?



1 Q Yes.

2 A At one time or another, or still do it  
3 currently?

4 Q Maybe at one time or another, let's go  
5 with that.

6 MR. STEINMETZ: I'm going to make a  
7 foundation objection.

8 Q You can answer.

9 A I would say probably, that I know of,  
10 three or four, maybe five.

11 Q That were using telemarketing, but were  
12 basically telling DirecTV that they were door  
13 knocking?

14 A Yeah.

15 Q You don't need to give me the names of  
16 them, but were they pretty successful retailers such  
17 as yourself?

18 A When they did it, they were. Then you  
19 see when they stopped doing it. When they would stop  
20 doing it, the only reason they would stop doing it is  
21 when they would lose people that worked -- there's a  
22 lot of stealing of people, man, in between the  
23 retailers in this area. There was a lot of, this  
24 manager worked for me at this point, this manager

1 left me to go work for Mike.

2 I mean, Shawn Lamb's worked for Mike,  
3 me, Mike currently. So he went from -- Shawn hired  
4 me at Steel Security and trained me and Mike. Mike  
5 opened up his own store. I went to work for Mike.  
6 Shawn ended up coming to work for us. So the guy  
7 that hired us in Ashland that showed us how to do it  
8 ended up coming to work for us to do it for us.

9 So then I left Mike and opened my own,  
10 and Shawn ended up coming to work for me and Dave  
11 took over the responsibilities that Shawn did at  
12 North Kentucky. Now, Shawn left and went to work for  
13 a different company that was doing cell towers or  
14 something, a whole different job. David left Mike  
15 and came to me. Then Shawn came back from the cell  
16 tower job and went back to Mike's.

17 I mean, it was just like, hey, we're in  
18 seventh grade. I'm going to date this girl for a  
19 week, and then you date her, and then she'll come  
20 back to me type scenario.

21 Q Anybody other than Steve Shapiro at  
22 DirecTV tell you they didn't want to know how you  
23 were generating sales?

24 A Steve didn't say he didn't want to know.

1 Steve just said -- you know, he never dug. I mean,  
2 he never dug into it. He just would say, you got  
3 your door knockers out. I mean, it was all about the  
4 bottom line. It wasn't about -- I mean, there wasn't  
5 really questions about how. I think everybody knew.  
6 I think everybody just didn't say. Because, I mean.

7 Q In your opinion, did they know?

8 MR. STEINMETZ: Calls for speculation.

9 Q You can answer.

10 A In my opinion did DirecTV know?

11 Q Yes, that you were using telemarketing.

12 A No. Did Steve know? Speculating, yes.

13 Q Anybody else at DirecTV that you believe  
14 knew?

15 A No. Never got that far. Never ever got  
16 that far. I mean, I never had to worry about it.  
17 Even after the lawsuit came out and they kept us on  
18 board for a while, we still continued to do business.  
19 We just didn't call anybody that was on the do not  
20 call list.

21 I mean, even after -- I mean, I couldn't  
22 stop. I couldn't stop. There's no way you can stop.  
23 Once you're in, you're in. I mean, once we -- I  
24 mean, there was 20 people working for me. We were

1 accustomed to all making a living this way.

2           Once we got the service and knew that  
3 there was a lawsuit pending and we said -- we acted  
4 like we didn't do it, but I told Brian the truth.  
5 And once I had to turn over evidence, once I had to  
6 turn it over, that's when they terminated me.

7           Q       So December 2017 is when the lawsuit was  
8 filed, and you were terminated January 2019. Does  
9 that sound --

10          A       No, no. 2019, yeah. The lawsuit was  
11 served when?

12          Q       December 2017. I've got a document or  
13 something I can show you.

14          A       Oh, yeah, right before the new year.  
15 Yeah, I would say we did business that whole year.

16          Q       So did anyone after the lawsuit was  
17 filed from DirecTV tell you stop making the calls?

18          A       No, we never admitted it to them. We  
19 were like, no, this is -- they all played it off  
20 like, oh, don't worry about that, you know. If you  
21 didn't do it, you don't have nothing to worry about  
22 was their look at it, you know. Just if you didn't  
23 do it, don't worry about it.

24                 So I had to say, okay, I'm not worried

1 about it. Deep down I was worried about it because I  
2 knew that I had did it.

3 But, I mean, looking back now, I don't  
4 know if it would have really made a difference  
5 whether I did or didn't. I mean, I continued to work  
6 for a year. I was retailer of the year that year. I  
7 mean, after I got served, I was retailer of the year  
8 of 2018. So obviously I didn't stop.

9 Q Steve didn't, Shapiro, didn't say to  
10 you, you know, like, is it true?

11 A Steve would make a comment like, you  
12 better hope you're not doing this. Or, you know,  
13 just cover your tracks type thing. But he would  
14 never, you know, like -- and Steve asked me, like,  
15 when I got terminated, he's like, why wouldn't you  
16 tell me? Like, why would you -- and I told Steve, I  
17 did it to protect him. I respect you. I mean,  
18 you've been my manager for five years. I'm not going  
19 to jeopardize your job over -- I mean, I did wrong,  
20 not Steve. But, I mean, do you understand that? Is  
21 that understandable?

22 Like I told Steve, like, I kept it from  
23 you on purpose because I did not want you to be in  
24 trouble or me to get in trouble. I mean, if I would

1 have told Steve, he would have been forced to do what  
2 he did with North Kentucky Satellites. You can look  
3 at the records.

4 When Steve Shapiro took North Kentucky  
5 Satellites out of -- they're called North Kentucky  
6 Satellites. That's Steve Shapiro's region. Now  
7 they're in Ohio, which their manager's up in  
8 Cleveland and never comes to visit. Why did Steve  
9 get him out of his? Because he knew they were  
10 telemarketing. He knew Mike was telemarketing, and  
11 Mike wouldn't stop. So he wanted to wash his hands.

12 He even made Mike sign a thing that  
13 said -- I remember to this day that he made Mike sign  
14 a paper that said that I am not responsible for any  
15 telemarketing. And if you're telemarketing, that is  
16 on you. He made Mike sign a personal paper, Steve, I  
17 remember it. And then Mike went to work under a  
18 different manager that continued to turn a blind eye.

19 Now, Steve -- Mike put Steve in a  
20 position that he couldn't turn. I didn't want to put  
21 Mike in that -- or Steve in that position so I never  
22 told him. Mike told him. Mike was honest with him  
23 about it, and Steve got rid of him out of his region.  
24 It's not like Steve wouldn't have done the same to

1 me. I know he would have. He just was in a tough  
2 position, man.

3 I mean, when you're in sales, you got to  
4 produce numbers. He had to produce numbers, I had to  
5 produce numbers. Once you start producing those  
6 numbers, people -- once you start producing those  
7 numbers, it gets daunting.

8 Q What gets daunting?

9 A Just the every -- it's every week. It's  
10 like chasing your tail. Have you ever seen a kitten  
11 chase his tail? That's what this is.

12 Q You've just got to hit your numbers.

13 A You got to do. It doesn't matter what I  
14 did the week before is over with. It's what I'm  
15 doing today. I mean, I'm not getting paid for what I  
16 did yesterday. I'm getting paid for what's going in  
17 the ground today, what's getting installed today, how  
18 many installs we getting.

19 Q It doesn't matter how you get the sales  
20 either, does it? I mean, you just got to get the  
21 sales?

22 A You want good sales. You got to put  
23 people in place. That's why our model was good  
24 because we tried to keep customers from calling

1     DirectTV for anything.

2                     Like, we don't want you calling DirectTV  
3     for nothing. We want to do your service calls, we  
4     wanted to handle your questions, we want to help you  
5     with your billing, we want to answer you on what  
6     package you have and what channels. If your  
7     satellite signal goes out, we want to try to help you  
8     troubleshoot it, to the point where they never  
9     contacted DirectTV, to the point where they never even  
10    had to talk to DirectTV because we didn't want them to  
11    say, well, someone called me.

12                    I would almost guarantee you,  
13    speculation, that someone over the thousands and  
14    thousands of customers that me and Mike have has  
15    called in and said, well, they called me. They  
16    called me over the phone and they did this and they  
17    did that. I mean, there has to been. There's way  
18    too many people not to have somebody in their records  
19    that's called in and complained on us for doing it.

20                    Q     Well, Diana Mey did. She filed that  
21    lawsuit, but they still didn't terminate your  
22    agreement. Do you --

23                    A     Oh, they did. As soon as I admitted to  
24    it, they did. I mean, as soon as I admitted guilt, I



1 was terminated that day.

2 If I would have -- that's why I said if  
3 I would have not hired a lawyer and said I didn't do  
4 it and not gave you guys anything and made you dig  
5 for proof and subpoena and all that, that's what I  
6 don't understand. Like, there's 15 other retailers  
7 in this suit. None of them hired -- like, two people  
8 have attorneys, right? Am I wrong?

9 Q I'm not sure.

10 A Two people have attorneys. What's going  
11 on with the other 13? Are they still practicing?  
12 Are they still selling? Have they been shut down?  
13 Have they ever had to turn state evidence over and  
14 say what they were doing? I don't think so.

15 So if I wouldn't have hired a lawyer, I  
16 probably would still be okay. I mean, I don't think  
17 they would have ever terminated me.

18 Q You'd still be selling DirecTV, you'd  
19 still be telemarketing?

20 MR. STEINMETZ: Objection; call for  
21 speculation.

22 A No, I believe deep down that if I  
23 wouldn't have hired Brian Price, that I still would  
24 be able to say I didn't do it until you guys proved

1 it.

2 Q I want to shift a little bit to some  
3 documents, and we'll take a look at those. If you  
4 need a break, holler, but I think we're doing pretty  
5 well.

6 A Yeah.

7 Q And you had asked if you were talking  
8 too much. I think she's doing good.

9 A Just kick me if I need to slow down.

10 Q I want to turn to your notebook here,  
11 Tab 1. This is an exhibit that -- e-mail that we  
12 received from your computer when you turned that over  
13 to us.

14 A You are allowed to telemarket for  
15 business with DirectTV.

16 Q So telemarketing to businesses is  
17 permissible under the contract that you had?

18 A Yes.

19 Q Were you only making sales to  
20 residential customers with AC1?

21 A Yes. But that was another way to hide  
22 it early on is to say that if they would -- if Mike  
23 would ever have Steve in, he would say, oh, we're  
24 calling businesses, which was legal. And then they

1 used the security system Vivint and stuff as a  
2 scapegoat.

3 I mean, there's other ways to say, like,  
4 you're going to have to, you know, prove it, I'd say.  
5 I mean, they're going to say they were calling --  
6 they're not calling on DirectTV.

7 Q Let's look at Exhibit 1 just so that we  
8 have a good record here. Exhibit 1 is an e-mail from  
9 Steve Shapiro to Shawn Lamb and you from 2015. It's  
10 got two attachments and they're scripts. One is  
11 called a Call Flow and Script for Phone Sales and the  
12 other is called Commercial Outbound Call Scripts.

13 A Yeah.

14 Q Take a look at the Call Flow and Script  
15 for Phone Sales. Does that look to you like it's  
16 just a commercial only, or is that -- notice on the  
17 first page of this that Mr. Shapiro's e-mail says one  
18 is strictly for commercial. When you look at this  
19 document --

20 A Hold on a second before we look at this  
21 document. Did you see the date that was sent?

22 Q Yes, sir, December 2015.

23 A So do you know --

24 Q Yes.

1 A -- that this is not AC1?

2 Q Yes, sir, I do.

3 A Okay. So this e-mail is five years old.  
4 This is going to North Kentucky Satellites.

5 Q Okay. That's where you were working at  
6 that time --

7 A Yes.

8 Q -- right?

9 A So this e-mail is not pertaining to AC1  
10 whatsoever.

11 Q Got it. I understand.

12 Would you ever through AC1 receive any  
13 kind of a phone script or anything of that nature?

14 A Through AC1 or through --

15 Q Through AC1.

16 A Would I give my reps a sales script?

17 Q Would you receive from DirecTV a sales  
18 script?

19 A No. No, and we never had a script. I  
20 didn't believe in it. We figured out how you open  
21 the call. You try to get through the gatekeeper. If  
22 I say, can I speak to Mr. Shapiro, the first thing  
23 they say is, may I ask who's calling? But if I would  
24 have said, hello, Steve, he'd be like yeah, because

1 he'd thought I knew him.

2 So we just taught the opening, and then  
3 after that was the three questions: Who you have,  
4 how much you pay, and I can save you some money. Let  
5 me see what I can do for you, and it was over with.  
6 It's a very simple -- I mean, it's the easiest thing  
7 I've ever sold.

8 Q Shifting gears again. When you would  
9 call people through AC1, would some of the people  
10 that you would speak with, would they ever complain  
11 to you about receiving the calls and say they didn't  
12 want to receive the calls?

13 A Very rarely because we tried to not call  
14 people that didn't want to be called. And if we  
15 did -- I'd say you'd get two or three a day if you  
16 were a sales rep that might be disgruntled and say,  
17 take me off the list or how did you get my number.

18 Most people were -- with AC1, we were  
19 able to use our caller I.D. on that. I mean, I could  
20 put in whatever number I wanted to show up on the  
21 caller I.D. I could pick a local number.

22 So if I was calling Charleston, we were  
23 going to call with a 304 number just to get the  
24 answer percentage up. It would say AC1 and it would

1 say 304, but it would be -- it would be a number that  
2 we picked off the website -- or dialer.

3 Q When you would get those two or three  
4 customers a day that would, I guess, complain or tell  
5 you not to call, what would you do with that  
6 information?

7 A You disposition them as a "do not call"  
8 and you removed them from the list, and they were  
9 never able to be loaded or called again.

10 A lot of people used the do not call  
11 list for their leads that they didn't want people to  
12 get access to. So we used the do not call list a  
13 lot. I mean, we tried not to violate anybody.

14 I mean, you can tell by the way that my  
15 quick response -- my quick response to Diana and my  
16 e-mail back to her and my talking to her the next day  
17 and me personally talking to her, I thought I was  
18 doing what the small businessman should do. Reaching  
19 out to her and saying: I'm very sorry, ma'am. I  
20 apologize. This guy was new, and he was. And he had  
21 no idea what he was saying to Diana. He had no clue  
22 of what she was asking him. I mean, she got him.  
23 She milked him for what she needed, and she hook,  
24 line, and sinkered him.

1 I mean, if she would have got someone  
2 from North Kentucky or someone like me or somebody  
3 that knew what to say, they'd probably been like, I'm  
4 sorry, ma'am, I got the wrong number, and they'd just  
5 disconnected the call, and she would have never got  
6 the name of AC1.

7 By me doing the right thing and calling  
8 her back and telling her that I apologize and that I  
9 admit to my guy calling that number and all that just  
10 was the worst thing to do. I could have just played  
11 dumb and should have, I guess. I guess I shouldn't  
12 have did it in the first place. I don't know.

13 Q When you had the, you know, 15 sales  
14 reps, how many calls do you think you were sending  
15 out through the dialer a day?

16 A I would say we would go through -- well,  
17 here's the thing. The calls were only kicked to you  
18 when someone answered.

19 So there might be the legal limit, you  
20 know, the threshold, you know, that you're only  
21 allowed to have a certain amount of dialing going on  
22 to where you can't have, like, nine lines dialing and  
23 six people saying hello, hello, hello, and only one  
24 call being kicked and the other people being

1 disconnected because there's no one there. You get  
2 those calls where you answer a telemarketing call and  
3 there's no one there, that means they're over their  
4 threshold. That means they're dialing too many calls  
5 per agent. They're way over.

6 If you know anything about the FTC and  
7 the do not call and how many -- what the percentage  
8 is of threshold, then you got to adjust your dialer  
9 to where it's kicking a beep to the person.

10 Q What would be --

11 A You got to stay under 3 percent.

12 Q The number of calls that would go out  
13 that you could handle --

14 A Thousands.

15 Q Thousands a day?

16 A Thousands a day.

17 Q Who would actually load the dialer?

18 A Shawn Lamb. Still does it.

19 Q And he would basically program in there  
20 how many calls should go out?

21 A He would -- no. Calls were based off  
22 how many people were there and how long the call  
23 took. I mean, if the answer percentage was bad, then  
24 we'd go through and dial and it would just ring and



1 never kick it to people. You know what I mean?

2 But if the answer percentage was good  
3 and the area was good, then we would slow down  
4 because that call took 12 minutes. But if we're in a  
5 bad area where people are, like, rude and hanging up  
6 on us early, then you're going to go through more  
7 calls.

8 And if you get some guys that are over  
9 there, the manager would know that, man, that guy  
10 ain't rebuttling (sic). He's taken 45 more calls  
11 than that guy this hour. What's he doing over there?  
12 Is he blowing through leads and cherry picking? I  
13 mean, that's how the game is played. I mean, you buy  
14 leads, you expect that guy to work the lead.

15 You ever watch Boiler Room, or you ever  
16 watched any --

17 Q Sure.

18 A Pretty much how it was. The managers  
19 got paid off everyone's sales. Sometimes the sales  
20 floor would look like Wall Street. There would be  
21 five or six sales going on at a time.

22 Q Let's look at Exhibit 2 here in your  
23 notebook. Now, Exhibit 2 is more e-mails that we got  
24 from your computer, and some of them -- it's really

1 just a series of e-mails.

2 It's not a great exhibit for our record  
3 because it's just a series of e-mails. But the last  
4 e-mail I'm going to ask you about, and as you'll be  
5 quick to point out, it's the last page of Exhibit 2,  
6 as you will point out, this is an old e-mail from  
7 2015.

8 A That's not AC1 whatsoever.

9 Q Right. So I just want to ask you a  
10 question about that. Again, understanding it's not  
11 AC1. But at that time who were you working for? Was  
12 that Eastern Kentucky?

13 A No.

14 Q Who was it?

15 A North Kentucky.

16 Q North Kentucky. I'm getting it.

17 A North Kentucky, yeah.

18 Q And just -- I'm just --

19 A Go ahead. I'm sorry.

20 Q I'm just interested in it because it  
21 talks about for a dealer that activates at least ten  
22 in December? Do you see that? I'm reading from the  
23 e-mail?

24 A Uh-huh.

1           Q       "...activates at least ten in December  
2 with a minimum of 10 percent month over month growth  
3 and sells at least three bundles, I have tickets to  
4 either a UK game in Lexington or a Pacers game in  
5 Indianapolis." So my only question is --

6           A       Did I go to any ballgame?

7           Q       There's reference to activating ten  
8 DirecTV subscriptions. That seems like a small  
9 number.

10          A       No, it's -- this was over Christmas  
11 time. So this would have been an easy blowout  
12 contest for us. This is going out to -- you can see  
13 that this is going out to different people in his  
14 area. So this would go out -- we would win this. I  
15 mean, we would have won this for sure.

16          Q       Right.

17          A       But yeah, that's nothing -- I mean,  
18 that's just something that Steve threw out there that  
19 he probably got from someone out of Kentucky. He  
20 lives in Lexington. I'm sure he did things like this  
21 all the time to just try to get us tickets to a  
22 Bengals game or Pacers game or Kentucky just as a  
23 motivator for us to continue to do good.

24                   This was probably just -- this was on

1 December 9th. So they probably wanted us to get ten  
2 more activations apiece before Christmas because they  
3 probably figured that with Christmas and the New Year  
4 that everybody was going to be down. But we would  
5 have -- heck, we would have been fine in December. I  
6 mean, we would have probably still did 150, 125,  
7 something like that.

8 Q And that's really all I wanted to ask  
9 you associated with this is what would have been the  
10 monthly number of DirecTV activations that North  
11 Kentucky was doing at that time, would you say?

12 A You have it right here.

13 Q Those are different dated e-mails.

14 A Okay. I mean, from the time I started  
15 working for North Kentucky and he started sending  
16 those e-mails in 2015, I mean, there's some months we  
17 did over 200, there's some months we did 148, there's  
18 some months we did 184. I mean, we were going to be  
19 the best -- we strived to be the best. Like, we took  
20 pride in trying to be the best retailer in the  
21 country on sales.

22 Q When you were at North Kentucky, was the  
23 150 activations a month also the average?

24 A Yeah. Still is. I would say they're

1 still doing it. But now they're doing it multiple  
2 states away. He has installers in Arkansas,  
3 Missouri, Tennessee. I mean, he has them all over  
4 the place.

5 Q Let's look at Exhibit 4. Exhibit 4 is  
6 an e-mail cover and then the lawsuit attached to it.  
7 Do you see that? It says: From Steven Shapiro to  
8 Adam Cox. Subject: Lawsuit. Date: Friday,  
9 December 15, 2017.

10 Is this an e-mail that you would have  
11 received from Mr. Shapiro about the lawsuit at that  
12 time, December 15, 2017?

13 A Yeah. The crazy thing about that is I  
14 was getting ready to coach a basketball game when I  
15 found out about it. It was my first home game. I  
16 remember the day perfectly.

17 Q Is this e-mail how you found out about  
18 the lawsuit?

19 A Yeah. Oh, yeah. I mean, yeah. That's  
20 when I first found out about it. I knew that there  
21 was a chance that it could happen, but this is the  
22 first time that they actually said this is happening,  
23 yes.

24 Q Did Steve call you about it, or did he

1 just send the e-mail?

2 A I can't answer that properly with being  
3 a hundred percent truthful. I just can't remember.  
4 I had a basketball game at 6:00. That e-mail came in  
5 at 5:23. I can remember that all hell broke loose in  
6 my mind for about a two-hour span, and then I didn't  
7 deal with it until after the ballgame.

8 Q You don't have to be --

9 A I think when Steve first talked to me  
10 about it about this time is when I said: Man, we  
11 didn't do that. That lady's crazy. I called her  
12 back. We had one person call her off a referral that  
13 was a wrong number is what we told Steve. He's like:  
14 Oh, if you didn't do it, don't worry about it. It  
15 sounds pretty petty to me.

16 Q You called off a referral?

17 A Yeah. Like, we get referrals all the  
18 time. When someone goes in and installs or you sell  
19 a customer, then I'm going to ask you for a referral  
20 just like I mentioned earlier. When my installer  
21 goes in and installs it, they're going to ask for a  
22 referral too.

23 And then when we call to make sure  
24 everything's working on the 2-2-2 calls, we're going

1 to ask you again for somebody that you might have  
2 thought of.

3 I get a lot of referrals. Back in the  
4 day, I mean, really locally. I mean, if someone in  
5 this area had service, they probably were referred to  
6 me.

7 But to answer the question, I would say  
8 this is when I first found out about it, and we  
9 denied it until I had to turn over proof.

10 Q And they didn't -- DirectTV didn't ask  
11 you for proof until you turned it over to us in the  
12 lawsuit?

13 A They asked me, and I lied. They asked  
14 me. I lied to them, and they said okay.

15 Q But they didn't -- they didn't say, we  
16 want proof. It was just your conversation and that  
17 was good enough?

18 A Yeah, they never sent anybody to  
19 investigate or anything.

20 Q You'll see from the lawsuit there's a  
21 reference on page -- I'm sorry, it's Paragraph 25 and  
22 26, there's reference to -- I'll just read it for our  
23 record. It says, "When Ms. Mey asked why the call  
24 appeared to be from a West Virginia area code, the

1 caller claimed that was the number programmed into  
2 dialer."

3 And Paragraph 26 says, "Upon further  
4 inquiry from Ms. Mey, the caller admitted the call  
5 had been made using an autodialer."

6 My question about it is: Did Steve ask  
7 you if you were using an autodialer?

8 A He never asked me.

9 Q Did anybody from DirecTV ask you that?

10 A I'm sure if they did, I told them that  
11 we weren't.

12 Q But you don't know if they did ask you?  
13 You're not sure?

14 A I'm not sure. I do know that I think  
15 it's kind of silly for this phone number to be for a  
16 dead person's -- registered to a dead person is what  
17 she told us. It was her dead mother-in-law's phone  
18 number. So how can Diana Mey have a phone number for  
19 someone that's dead and it be liable to be on a do  
20 not call list when that person is dead?

21 Q I'm sure the lawyers will look into  
22 that. If there's something to that --

23 A I mean, it's illegal. I can't go  
24 register my grandpa or have my grandpa's phone, he's



1 dead. I couldn't go have a phone that says Elmer  
2 Justice.

3 Q Gotcha.

4 A It just blows my mind that that's even  
5 capable of being discussed. Like, if I was the judge  
6 I would say -- I mean, to me, but it did uncover a  
7 lot. But this right here should make it all  
8 dismissed, I believe.

9 Q Do you know --

10 A I don't know the laws and the rules.

11 Q Do you know for a fact that that number  
12 is her mother's number?

13 A I know for a fact that Diana Mey told me  
14 on the phone that that was her dead mother-in-law's  
15 phone number, personally. She told me on the phone  
16 when I called her. She acted very nice and polite.  
17 I looked it up. She's got a mansion. I don't feel  
18 story for Diana Mey not one bit. Not one bit. She's  
19 a millionaire.

20 Q What's that?

21 A She's a millionaire.

22 Q Exhibit 5, January 7, 2018. This is an  
23 e-mail, right, from you -- actually this is a little  
24 bit confusing. But you received an e-mail from Steve

1 Shapiro telling you --

2 A I'm still getting e-mails from Steve  
3 Shapiro. I mean, you guys probably found stuff in  
4 there from that he sent me recently. I mean, I think  
5 Steve's in the hospital. I've heard that he's having  
6 bad health. I haven't talked to Steve since I've  
7 been dismissed. But I still get e-mails because I  
8 still think I'm accidentally in his group or  
9 something. They've never took me out of it. Hell, I  
10 don't pay attention though.

11 As you can tell, you guys went through  
12 my e-mails. There's probably -- I felt bad for the  
13 person that had to do it because I actually go, could  
14 you have marked some of those read for me or go  
15 through some of them. Like, I do not read e-mails.  
16 I'm very bad.

17 Heck, you asked me if AC1 ever got  
18 e-mails. I don't -- look, I told Steve. Like,  
19 Steve, you want to talk to me. I'm not going to read  
20 an e-mail. So half this stuff you're showing me, I  
21 probably didn't read it. I'll be honest. Now if he  
22 would have text me or called me, I would have. I  
23 have ADHD. I mean, rough.

24 Q That's good enough. We don't need to

1 really spend much more time on your e-mails. That's  
2 fine. I want to try to move forward. Let's see.  
3 See if I can cut to the chase.

4 I do want to ask you about Exhibit 7,  
5 and I'm going to hand that to the court reporter and  
6 we will make that a part of the record.

7 A We didn't talk about 5.

8 Q I'll give you 5 for identification, but  
9 we're not going to go into that any further.

10 I want to talk to you about Exhibit 7.  
11 I'm handing the court reporter the original. Take a  
12 look at that, Mr. Cox. This is an e-mail from --

13 A This is when I started selling cell  
14 phones.

15 Q -- from Steve Shapiro to you, right?

16 A Uh-huh.

17 Q Try to say yes, if you would.

18 A Yes, yes. Sorry.

19 Q And this is referring to a meeting  
20 yesterday. Would that have been an in-person meeting  
21 or, like, a telephone meeting or a video meeting or  
22 what?

23 A Okay. Do you have the e-mail that shows  
24 when they terminated me?

1 Q I do.

2 A What was the date on that?

3 Q It's Exhibit 19. Take a look at Exhibit  
4 19, and I'll also hand that to the court reporter.  
5 Is that the e-mail that you were referring?

6 A That don't say anything about --  
7 termination was January 16th. Okay.

8 Q Is that what you were referring to as  
9 the termination letter?

10 A I was -- I'm one year away. I was  
11 thinking that the termination letter was sent on the  
12 18th -- or in 2018, but it was 2019.

13 Q Yes, sir.

14 A So yes, this would have been -- Steve  
15 would have come down probably on Tuesday the 23rd,  
16 and we probably did a training with him or went over  
17 this. This is something that Steve has to submit to  
18 his manager that shows his manager what they went  
19 over with.

20 Q You're referring right now to  
21 Plaintiff's Exhibit 7, right?

22 A 7, yes.

23 Q So this was an in-person meeting?

24 A Yes. Steve would do it once -- I mean,

1 I think he definitely would try to get down once  
2 every couple months to meet with us. Sometimes it  
3 would just be for a lunch and tell me to meet him  
4 somewhere to go over numbers and kind of do a  
5 briefing. Sometimes he would say he was coming by  
6 the office, would I be there.

7 Sometimes we'd meet at events. Like, if  
8 we did a Lexington home and garden show, Steve would  
9 always be there or something. But Steve did his job.  
10 He tried to do his job pretty good.

11 Q My question about Exhibit 7, I got two.  
12 Number one: Is that a copy of the e-mail that you  
13 would have received from him? It appears to be, yes?

14 A Yes.

15 Q And then the second question is: At  
16 that in-person meeting did Steve bring up the  
17 lawsuit?

18 A I believe Steve's answer to me was just  
19 let the attorneys handle it. And he advised me to  
20 get an attorney. I wish he wouldn't have, but he did  
21 and I did.

22 And that's -- again, I don't think I  
23 would have been this -- in fact, if I have a  
24 deposition with you guys on DirecTV's side, I would

1 like to know what the termination dates were on the  
2 other companies named in the lawsuit and if they're  
3 still practicing to this day. I mean, that's -- I  
4 think that's important for you guys to show because  
5 if not, then that shows me if I wouldn't have got a  
6 lawyer, that I still would have been practicing. And  
7 that let's me know that I probably have a lawsuit  
8 against you guys for terminating me and not the other  
9 people.

10 I think that DirectTV needs to reach out  
11 to me a lot. They haven't. They said, well, you had  
12 a lawyer and representation. Well, I told Brian  
13 multiple times that I wanted to talk to them.

14 Q Let me just caution you and just tell  
15 you that you don't need to tell me about your  
16 conversations with Brian. That's to protect you.

17 A I'm telling you everything I told Brian.  
18 I told Brian the truth. I tried to be dishonest with  
19 Brian at first; and he told me that, hey, I'll stop  
20 representing you right now. Like, you just quit  
21 lying to me. He's like, the best thing you can do is  
22 be honest with me.

23 Brian taught me a lot about what I  
24 needed to do and to be honest. Like he said, don't

1 pull no punches. Don't matter who you upset or what  
2 you say. He said, just tell them the truth. So  
3 that's what I've been doing today, and that's what  
4 I'm going to do going forward.

5 Q I appreciate that.

6 A But I lied to DirecTV and Steve.

7 Q Let's clean up our record on Exhibit 19,  
8 and I just want to ask you: Is Exhibit 19 the e-mail  
9 that you would have received from Steve Shapiro  
10 attaching the letter advising you that you were being  
11 terminated from your AT&T preferred agreement?

12 A Didn't hear from them after that.

13 Q But that's what Exhibit 19 is?

14 A Yes.

15 Q Is that the last communication you've  
16 had with Steve?

17 A I tried to reach out to him and, like,  
18 say, man, come on. There's no way they're going to  
19 keep that money, and you got to help me. He said, I  
20 can't do nothing. And he pretty much -- won't say he  
21 washed his hands from me, but he definitely didn't  
22 communicate with me anymore or talk to me. That's  
23 about it.

24 Q So you kept making the sales using

1 telemarketing and they kept the customers, right?

2           A       Oh, yeah. They've kept every one of the  
3 customers. There's still people that call me to this  
4 day that signed up with me. I mean, I got to tell  
5 them that I can't help them at this time and moment,  
6 that I'm not doing that line of work. I can refer  
7 them to people that are. And some people pay me for  
8 referrals or some -- I mean, I really am trying to  
9 find something better. I mean, I don't know. That's  
10 my life.

11           Q       Let's do a little math, apologies. But  
12 if you were generating, say, 200 DirecTV contracts a  
13 month and you've been doing that since June of  
14 2017 --

15           A       I made over a million dollars.

16           Q       -- per year that's -- you, yourself,  
17 made over a million dollars?

18           A       The company.

19           Q       The company made over a million dollars?

20           A       Before overhead and payroll. I mean, it  
21 was a million dollar company, but 672,000 went to  
22 payroll. I mean, so it wasn't like -- it was not a  
23 million -- I mean, that's what the gross was.

24           Q       Sure.



1           A       That's what they paid us. But by the  
2 time I wrote out all my taxes and papers and  
3 everything, you know, I didn't show much of a profit.

4           I mean, just for the simple fact that it  
5 was profitable, but I lived off of it. You know what  
6 I mean? Like, I made -- I probably paid myself a  
7 thousand dollars a week. If I needed more, I'd get  
8 it. If I needed to go buy something or I wanted to  
9 buy Christmas out of the account or whatever, I would  
10 use it. But I paid myself a thousand dollars a week  
11 to run my own company, and I lived off that.

12           Then I paid my fiance to work for the  
13 company, which also went into my household. So I  
14 paid her a thousand dollars a week. So we had a  
15 hundred thousand dollar salary between the both of us  
16 when I had AC1.

17           Q       Back to the math a little bit. If it  
18 was 200 a month --

19           A       You're saying 200 a month like that's  
20 consistently what we did. It fluctuated from 150 to  
21 250. So, I mean, there are some months -- there's a  
22 big difference between doing 160 a month and 225. I  
23 mean, that's a big chunk of change difference.

24           Q       What number are you comfortable with as

1 a monthly average?

2 A For payroll?

3 Q For DirecTV.

4 A To pay me?

5 Q For the number of activations generated  
6 for DirecTV.

7 A We never went under 150. We might have,  
8 but our quarterly average was always over 150. The  
9 way they ranked it is you had four quarters in the  
10 year, right. So you got three months in four  
11 quarters. Your three-month average had to be 150.

12 So if you did 214 and 137, you're still  
13 above the 150 average. I mean, they would take your  
14 three months and average them together and that would  
15 be what your average would be for a quarter.

16 So I would say we definitely didn't ever  
17 do under 175 on an average for a three-month span. I  
18 definitely never let it go under 150 because that was  
19 a big dropoff on pay.

20 Q After you got the lawsuit in December of  
21 2017, were you using any other sales techniques other  
22 than telemarketing?

23 A We've always used door to door and  
24 events. We just didn't do it as much as what they

1 thought we did it.

2 Q I see.

3 A I mean, there was always more -- I mean,  
4 it was never 100 percent telemarketing, it never was.  
5 And you'll never prove that any retailer was a  
6 hundred percent telemarketing because they're able to  
7 do social media and door to door and events. There's  
8 not -- you'll never get that to stick. You can get  
9 it to stick that they did telemarket.

10 Q Let's look at Exhibit 17. This is  
11 another one of those e-mails. And again, this is --  
12 you see that it's from you to Steve Shapiro from  
13 January of 2017. Take a second, if you will, to read  
14 that e-mail.

15 A Okay.

16 Q So my question about this e-mail is: Is  
17 this basically your first reach out to Steve Shapiro  
18 about opening up your own dealer agreement with  
19 DirecTV?

20 A That looks like about the time that me  
21 and Mike parted ways, yes.

22 Q I'm curious about what you meant when  
23 you said, "I just want to be honest. I built this  
24 team, and I'm worth more than a thousand a week." A

1 thousand dollars a week?

2 A Yeah.

3 Q That was your -- basically your salary  
4 at the time?

5 A That's what I was paid by every retailer  
6 that I built. I mean, I worked my way up from 300 at  
7 Steel to 500 at Streamline to a thousand at Scotty's  
8 or North Kentucky Satellites. I made -- I made North  
9 Kentucky Satellites who they were and what they are.  
10 That's what kind of upsets me about the whole  
11 situation.

12 Q Okay. I want to ask you another  
13 question about the termination letter. It's Exhibit  
14 19. You've got -- again, just to kind of set the  
15 timeline. You received the notice of the lawsuit  
16 December of 2017, and then you got the termination  
17 letter January 16th of 2019.

18 So my question is: At any time until  
19 you received this termination letter, did you receive  
20 any correspondence from DirecTV or its lawyers  
21 telling you to stop making telemarketing calls?

22 A We never admitted it to them. So they  
23 had no reason to tell us to stop.

24 Q Okay.

1           A       I never admitted it. I told them that  
2 we'd called Diana Mey off of a referral and a  
3 person -- and it wasn't a dialer. I mean, I wasn't  
4 up front and honest with them.

5           Q       I'm getting really close to the end, and  
6 the end is basically taking a look at the call logs  
7 that you produced. I want to understand what's in  
8 the fields. I've got them here. You want to take a  
9 break?

10          A       You brought all of them?

11          Q       Not all of them, no.

12          A       Let's go. Let's finish this. What time  
13 is it?

14                   MR. STEINMETZ: It's a little after 11.

15                   THE WITNESS: Central Time?

16                   MR. STEINMETZ: What's that?

17                   THE WITNESS: What are you on, Central  
18 Time?

19                   MR. STEINMETZ: It's on east. I'm, you  
20 know, mentally on Central Time.

21                   MR. BARRETT: I've got a thumb drive  
22 for you, which may not be much use to you there,  
23 Kyle.

24                   MR. STEINMETZ: I have my iMac, but I

1 don't think it has a USB port on it.

2 THE WITNESS: Do you care if I step out  
3 and pee real quick?

4 MR. BARRETT: Certainly.

5 THE WITNESS: Just right there, and  
6 I'll walk right back in.

7 MR. BARRETT: Let's take a five-minute  
8 break.

9 THE VIDEOGRAPHER: Going off the record  
10 at 11:09 a.m.

11 - - -

12 Short recess taken.

13 - - -

14 THE VIDEOGRAPHER: We're back on the  
15 record at 11:17 a.m.

16 Please proceed.

17 By Mr. Barrett:

18 Q All right. We're on the home stretch.  
19 I want to review call records.

20 A Okay.

21 Q And before I do that, I want to go back  
22 and just lay a little foundation here.

23 You had provided records of telephone  
24 calls to Mr. Price, correct?

1 A Right.

2 Q And you obtained those from the XenCALL  
3 account that you used, correct?

4 A Correct.

5 Q And you provided two Excel files to Mr.  
6 Price, correct?

7 A Yes.

8 Q And one -- what I have right in front of  
9 you is my computer screen showing AC1 Cox, my vision  
10 is not so great, but 0042364. Do you see that?

11 A Yeah.

12 Q Call Log Report July 1, 2017 to April  
13 30, 2018. This document right here or this file is  
14 calls that were placed using the XenCALL dialer by  
15 AC1 from July 1, 2017 through April 30, 2018; is that  
16 correct?

17 A Yes.

18 Q Same sort of questions regarding the  
19 second file, AC1 Cox 0042365, Call Log Report May 1  
20 through November 30, 2018.

21 A Yes.

22 Q That is also a file that you provided to  
23 Mr. Cox in this case?

24 A Mr. Price.

1 Q Mr. Price.

2 A Yes

3 Q Again, same questions. It's a list of  
4 calls that AC1 placed through the XenCALL dialer  
5 during that timeframe of May 1 through November 30,  
6 2018?

7 A Yeah. All calls weren't -- like I said  
8 before, all calls started with us opening as AC1. We  
9 never called as DirectTV.

10 Q Sure.

11 A So all those calls are not DirectTV  
12 calls. They're AC1 calls.

13 Q Sure. I'm going to mark that as Exhibit  
14 32. This is the thumb drive that I'm going to mark.  
15 If I may have a sticker you'll put on there.

16 Deposition Exhibit 32. And I want to  
17 ask you to explain some of the fields that are in the  
18 records. So I'm going to open up the first file,  
19 which is July 1, 2017 to April 30, 2018, okay?

20 A Uh-huh.

21 Q It'll take a while. Oh, right up.

22 A Those people worked for me.

23 Q Okay.

24 A Those are all people that worked for me



1 right there.

2 Q So let's just run through the columns.  
3 Column A, Call Log I.D. What's that?

4 A Call Log I.D. would be -- I guess that  
5 would be where the calls were logged. Like, which  
6 number of call it was in the XenCALL system. Like,  
7 if you ever wanted to research it or go back to  
8 listen to the recording of it to see when the call  
9 was placed or -- say that we had called you and it  
10 got disconnected in the middle of a sale but we lost  
11 the phone number, dispositioned it and couldn't find  
12 it. Then we could go back into our call log and kind  
13 of research the history of it. But that's just to  
14 identify each call, I believe.

15 Q Column B Agent Name. That's the person  
16 who worked for you --

17 A Exactly.

18 Q -- correct?

19 A Yes.

20 Q On several of these, like, for example,  
21 Line 2, which is Call Log I.D. 5347060,, it says  
22 Cameron Adams and then it says deleted. What does  
23 "deleted" mean?

24 A It looks like to me that those are

1 people that might have been deleted out of our system  
2 that no longer worked there.

3 Q Okay. That's good. Next column is C.

4 A Cameron Adams works for North Kentucky  
5 Satellites. Dave Perry works for North Kentucky  
6 Satellites. Jason Pelphrey does.

7 Q Okay. Log Time --

8 A Yeah.

9 Q -- what does that tell me for Column C?

10 A I cannot be sure. If you make it  
11 bigger. I don't know if that's log time at 9:12 a.m.  
12 or if that's saying log time of the call.

13 Q Okay. So it's 9:25 --

14 A I'm believing that -- by the looks of  
15 these down here, I'm believing that might be what  
16 time it was during the day. Even military time some  
17 it looks like, but I couldn't be positive.

18 Q Scheduled Time is the next column that's  
19 D. What's Scheduled Time?

20 A Couldn't be sure on that one.

21 I have no idea what that Phone space is.  
22 Maybe that's the -- I have no idea. Column E, I have  
23 no idea.

24 Q Column E says Phone?

1           A       Yeah. I don't know if that's just the  
2 headset or dialer that they were on or logged in at  
3 the time.

4           Q       See the --

5           A       That's the phone number that they were  
6 using at the time.

7           Q       Column E was the phone number that the  
8 AC1 agent was dialing, that the dialer was dialing;  
9 is that correct? I see that's a 740.

10          A       Yeah, looks like it is. But, see, now,  
11 all these that, like, Cameron put "do not call" on  
12 and stuff on the DNC, on the next column on G?

13          Q       Yeah. We'll get to that. Let me just  
14 kind of work it through there.

15                   Log Type says: Do not call, Not  
16 interested, Not available. What do those tell us?

17          A       "Not interested" are people that says,  
18 I'm not interested. Thanks for your time, and hang  
19 up on you.

20                   The "Do not calls," a lot of these reps  
21 put people on do not call lists because they didn't  
22 want another sales rep to get in touch with them or  
23 for someone to be able to redial them on our dialer.  
24 Like, say, you talked to someone today but it was

1 scheduled for a callback, or they were supposed to  
2 call you back and you're afraid someone that works  
3 another shift would dial it, they wouldn't be able to  
4 dial it if you put it on the do not call list.

5 So a lot of these dispositions are not  
6 legitimate do not calls. A lot of these dispositions  
7 are the sales rep that were trying to protect their  
8 leads. And they're idiots for doing that because  
9 I've told them a million times just schedule it as a  
10 call-back and put it as your lead and we'll know that  
11 it's your lead. But Cameron is one of those idiots.

12 Q But they do it?

13 A He did it more than anybody. I  
14 guarantee if you go through the records, that guy did  
15 it more than anybody. He was a manager. He was  
16 training people to do it until I freakin' caught him.  
17 I mean, so he -- those not availables, not  
18 interesteds, do not calls, callbacks, callbacks, not  
19 a working number, those are just some of the  
20 dispositions, yeah.

21 Q "NIS," not in service?

22 A Not in service.

23 Q "Trans," transfer?

24 A Yeah, may be transfer.

1 Q W pound?

2 A I have no idea on that one.

3 Q "ANS" means answering machine?

4 A Yeah.

5 Q "CB" is callback?

6 A Uh-huh.

7 Q So if you spoke with a person as a  
8 result of a call through a dialer you just mark it as  
9 callback and nobody else should be --

10 A No, no, no. Some people would say, can  
11 you give me a call back, and you can schedule your --  
12 like, you logged into your own XenCALL. So if you  
13 scheduled your callbacks, it would tell you who your  
14 callbacks were and what time and who you were  
15 supposed to call back the next day. I mean, it would  
16 keep track of your records for you.

17 Q Sent To, do you know what that is?

18 A I don't know if you transferred. Maybe  
19 it's sent to somebody. I don't think anybody got  
20 transferred much.

21 Q So one bigger question for all of the  
22 calls in these call records, these were all  
23 opportunities to sell DirecTV, correct?

24 A Well, if that's what the customer's

1 wants were. I mean, they didn't open up that way,  
2 but it ended that way nine times out of ten. If we  
3 sold something, it was DirecTV.

4 If you look at our numbers, we did  
5 minimal services other than DirecTV. Like, the  
6 number of activations between Windstream and DirecTV  
7 was probably 150 to 2. We didn't sell a lot of  
8 anything else.

9 Q Let's see. You got Sent To, it appears  
10 to be blank. Do you know what that means?

11 A Yeah, we just went over that. That's  
12 when it was transferred. I don't think we  
13 transferred any calls. I think that means, like, if  
14 you were on the phone and you needed to transfer that  
15 customer to me on a different phone, that you could  
16 of. It never -- most calls never got transferred.

17 Call Notes were if they put any notes in  
18 the call.

19 Q Call Notes is Column I.

20 Column J says Recording. I'm going to  
21 expand this field so we can see what that looks like.  
22 Recording Start.

23 A That probably let's us know when the  
24 recording started.

1 Q When would the recording start?

2 A It should started at the beginning of  
3 the call. All calls were recorded from the very  
4 beginning of the beep. Each call is recorded. At  
5 the beginning of the beep, it should start recording.

6 Q The beep, so --

7 A You got a headset on. You hear a beep  
8 in your headset. That beep let's you know someone's  
9 saying hello on there. Someone's already said hello.  
10 When you hear the beep, that's telling  
11 you hello. So you respond with hello, and they  
12 usually say yeah. And then you act like: Can you  
13 hear me? Okay good. This is Adam.

14 Q So your calls wouldn't start with  
15 recordings. They would start with the --

16 A Hello.

17 Q -- customer being connected to your  
18 agent, correct?

19 A Right.

20 Q Did you ever use recordings?

21 A Every call's recorded.

22 Q I'm saying recorded messages to the call  
23 recipient?

24 A No. Never did like, hey, this is Adam

1 with AC1 Communications. If you would like to get  
2 DirecTV service, no, we never did anything like that.

3 Q Are there recordings stored through  
4 XenCALL?

5 A That's a closed account. I couldn't  
6 tell you.

7 Q Were they --

8 A Oh, yeah.

9 Q -- when it was open?

10 A Yeah. When it was open, I could have  
11 access to all of it. Every call. You could have  
12 listened to the Diana Mey call. I listened to it.

13 Q Column K says Recording End. I think I  
14 know what that means. That's when the recording with  
15 the customer would end?

16 A Yes.

17 Q First Name would be the first name of  
18 the customer that you were calling, correct?

19 A Correct.

20 Q And that would have come from a lead?

21 A That would come from Infofree.com or  
22 Telephonebiz.com or any type of lead access on the  
23 internet. These companies are available. You can  
24 get them out of foreign countries. You can get them



1 out of the United States. You pay for what you get.

2 If I wanted to call -- they could either  
3 scrub it with a do not call or scrub it without. I  
4 mean, they can give you any number you want.

5 Q Would you, yourself, scrub calls or did  
6 you rely on --

7 A That's what Shawn Lamb got fired for.

8 Q For not scrubbing?

9 A Right.

10 Q When I say "scrubbing," just to be sure  
11 we're talking about the same thing, you mean checking  
12 the numbers in your lead list against the National Do  
13 Not Call Registry?

14 A Exactly.

15 Q So he wasn't doing it, but he should  
16 have been doing it?

17 A He should have been doing it, and that's  
18 why he was terminated for not doing it. And he was  
19 terminated by about the time that, you know, we  
20 figured out that that's what he was doing. But he  
21 had been doing it for years upon years, and he still  
22 probably does it to this day.

23 Q It's not hard to scrub against the DNC  
24 list, do you know?

1           A       No. But it takes your leads from -- the  
2       reason he said he did it is because it takes your  
3       lead count from a hundred people in Charleston to  
4       1,700. You get -- I mean, there's a big difference.

5           Q       A hundred to 1,700?

6           A       Say, like, if you hit the scrub button  
7       and you do a poll on the numbers and it says,  
8       Portsmouth, Ohio. How many people on that list  
9       that's not on a do not call list? And it gives you  
10      360 people. Then you hit the unscrub and generate  
11      it, and it says 1,200 people. You got 900 extra  
12      people that go into the dialer that you're able to  
13      contact.

14                   Now, all 900 people are on the do not  
15      call list that I caught Shawn loading, and all 900  
16      people, not all of them complained or were mad. A  
17      lot of them are like: Oh, thanks for calling, we  
18      appreciate it, you know. We understand you're a  
19      small business, and we're not interested. But if we  
20      ever do, we'll call you. Not a lot of people were  
21      like: How did you get our number? We're on a do not  
22      call list.

23                   We weren't telemarketing. We didn't  
24      come across as telemarketers. We came across as --

1 that's why you're taught in a phone call sale to talk  
2 to someone like you know them and don't ask for Mr.  
3 Harlow. Ask to speak to Jerry. You know, hello,  
4 Jerry, and people say yeah. I mean, you're taught  
5 that stuff through phone sales. I mean, you're just  
6 taught that stuff. So it wasn't like it was a hard  
7 call thing.

8 Q You got -- working through the columns,  
9 Column M Last Name. That's the call recipient's last  
10 name, correct?

11 A Yes.

12 Q And then next is City, Address, Zip  
13 Code, that's N through P --

14 A Yep. Yes, sir.

15 Q -- on this document.

16 And that is self-explanatory. That's  
17 the city, address and zip of the person you're  
18 calling?

19 A Yes, sir.

20 Q And then State is the state of  
21 residence, right?

22 Last Called.

23 The state is the state where the  
24 customer resides, correct?

1           A       Yes. As you can see, most of mine were  
2 tri-state around this area.

3           Q       Yeah. Last Called you've got 8-12, 2016  
4 at 11:01. There I'm reading from -- let me just  
5 clean this up. I'm reading from what is --

6           A       Dale Barton.

7           Q       Yeah, that is Call Log I.D. 5345359.  
8 Did I read that right?

9           A       534 --

10          Q       -- 5359.

11          A       -- 5380 or 5 -- the one I got is 359,  
12 Donna Hill.

13          Q       That says Last Called, for that Call Log  
14 I.D. it says, 8-12, 2016 11:01. Do you know what  
15 that means?

16          A       Maybe that was the last time that that  
17 customer was called in our system. Like, if we  
18 loaded a number that had been called before, it might  
19 tell you when it had been called before.

20          Q       Let me ask you a broad question about  
21 XenCALL. XenCALL was kind of the life blood of your  
22 telemarketing sales efforts, correct?

23          A       Uh-huh.

24          Q       Yes?

1 A Yes.

2 Q So it's very important that it be  
3 accurate and be reliable for you to use that system;  
4 is that correct?

5 A XenCALL, it was pretty good. It was a  
6 pretty good system. Very accurate on dialing and a  
7 pretty good system to operate and to manage. It's a  
8 Canadian-based company. So they didn't have a  
9 really -- you know, it wasn't hard to set up. You  
10 can just call. I could call them right now and set  
11 one up for you if you want me to.

12 Q Okay. And you didn't have any trouble  
13 downloading these call logs from XenCALL, correct?

14 A I never knew how to do it. I still  
15 don't know how to do it.

16 Q Who -- did someone do it for you?

17 A Yeah, Shawn.

18 Q Shawn downloaded these?

19 A Yes. Shawn still does that. If you  
20 would go to North Kentucky Satellites in  
21 Barbersville, West Virginia or in Portsmouth, which  
22 is a block away, you're a block way from North  
23 Kentucky Satellites, and you go in there and ask  
24 them -- if you want to talk to Shawn Lamb about a

1 job, he'd probably hire you.

2 Q He's pretty good with XenCALL, pretty  
3 competent operator of the system?

4 A Yeah. He's the one that's did it from  
5 day one since Steel Security. He worked Jeff Large,  
6 same as I did. He's the one that showed us how to do  
7 it. It's his model.

8 Q So he's the one that pulled these  
9 records from XenCALL for you?

10 A He's pulled them for both our companies,  
11 yes.

12 Q But I'm talking --

13 A And he's trained other people how to do  
14 it. There's been other people that know how to do  
15 it. Like Josh Kerr knows how to do it, Dave Nolan  
16 knows how to do it, but they all learned from Shawn.

17 Q Okay. But I'm talking specifically  
18 about the document that we're looking at now, which  
19 is Deposition Exhibit 32, and it's AC1 Cox  
20 00423264 -- I'm sorry. 0042364. Shawn's the  
21 gentleman that actually obtained this data on this  
22 exhibit from XenCALL?

23 A That exact page, I don't know. But for  
24 my company, he showed and did our systems. Like, he

1 was over our systems.

2 Now at the end before he got released,  
3 then other people learned how to do it. You know  
4 what I mean? But I couldn't do it today. Like, if  
5 you asked me to load, show you how to do it, ain't no  
6 way I can do it.

7 Q But you directed someone at AC1 to  
8 prepare this data file that we're reviewing?

9 A Yes. Yes. This was prepared by a  
10 manager.

11 Q And --

12 A But see, there could be multiple lists  
13 running right now. There could be three lists  
14 running. One's in Ohio, one's in Kentucky, and one's  
15 in West Virginia. There's three different lists  
16 running.

17 So we'd have three lists running, and  
18 we'd have three installers. So we'd be calling one  
19 territory for each technician; and if you got a sale,  
20 you put it in that area.

21 Q Sure. If it wasn't Shawn Lamb who  
22 actually downloaded this data from XenCALL, who else  
23 might it have been?

24 A Josh Kerr or David Nolan. Those are the

1 three people that still load lists to this day.  
2 Dave's out of the business. Josh is out of the  
3 business. They actually left with me.

4 Josh is working on heating and cooling  
5 towers, and Dave is going back to school. But they  
6 were all trained by Shawn. Like, we were all from  
7 the same mold.

8 Q Where do Dave and Josh live now?

9 A Josh lives in Wheelersburg, and Dave  
10 lives in Flatwoods, Kentucky. Shawn lives in  
11 Barbersville or somewhere -- no, Shawn lives in  
12 Catlettsburg, Kentucky. Mike Scott lives into  
13 Wheelersburg, Ohio.

14 Q Next is Column S, Karen Blank,  
15 606-738-4921 and it says, I'm expanding here, Lewis,  
16 L-e-w-i-s, L-A, Olive Hill.

17 A That looks like to me that is Karen  
18 Blankenship or Karen Blank, 606-738-4921 is her phone  
19 number. Lewis Lane is what it looks like it's going  
20 to say to me with Olive Hill being their city in  
21 Kentucky. So I think S is her total. You see what  
22 I'm saying?

23 Q Sure. Is she a potential customer that  
24 would have been called?



1           A       Probably so, yeah. She might be a  
2       customer. She might have been a sale. I mean, the  
3       disposition part will tell you that.

4           Q       Column T, Customer is the heading.  
5       Actually back to Column S. I don't really understand  
6       and wondering if you do why this would be listed as  
7       column heading Karen Blank?

8           A       I have no idea. I think that's just  
9       a -- I think that's been put in that column and  
10      shouldn't be. I think that's a column that was  
11      accidentally created on the spreadsheet here, on this  
12      Excel spreadsheet or whatever. Like, I don't think  
13      that should even be a column. I think that's a  
14      missed column.

15          Q       Customer, do you know what that is?

16          A       What?

17          Q       Column T, Customer.

18          A       Looks like to me that they might have  
19      signed up for the service, potential customer. They  
20      marked them as a sale or a customer or a customer  
21      already or something. I don't know.

22          Q       Time Modified, do you know what that  
23      means?

24          A       No.

1           Q       County is the county where the customer  
2       resided, correct?

3           A       Yes.

4           Q       Alt Phone would be an alternative phone  
5       number for the customer?

6           A       Yeah, that's all stuff that you can fill  
7       in on -- it gave you, like, the opportunity to put  
8       that in.

9           Q       E-mail same?

10          A       E-mail, County, Current Provider,  
11       Current Bill, you know, How Many TV's, Favorite  
12       Channels.

13          Q       What you just read was columns W through  
14       AC, correct?

15          A       Right. And that's the information that  
16       you would get from the phone call. Like I told you  
17       before, who's your current provider? Now, if they  
18       wanted to list that in the in call, they can put that  
19       all in there and take the time to fill that out.

20                   The one thing about XenCALL, the reason  
21       we had XenCALL and Agemni is Agemni was so good about  
22       inventory and scheduling us to be able to keep track  
23       of our customers and our payroll, but XenCALL you  
24       could do the same thing except you couldn't do your

1 payroll or you couldn't do your scheduler, but you  
2 could create leads and create customers in XenCALL,  
3 but it wouldn't -- like, some people had callbacks  
4 that they put in XenCALL, some people had callbacks  
5 they put in Agemni. I mean, there was two different  
6 systems.

7 Agemni was what we put the customer in  
8 to run application that kicked you to the DirecTV,  
9 and XenCALL was the information that you got off the  
10 dialer.

11 Q Okay. We'll probably want to contact  
12 you to obtain the Agemni data. We can figure that  
13 out together.

14 A Well, the Agemni data is not connected  
15 to AC1. I mean, that is not AC1's property.

16 Q But AC1 kind of used it to record AC1  
17 information?

18 A Right. But it's not obtainable through  
19 AC1 anymore.

20 Q Got it. And the person who it would be  
21 obtainable through is who?

22 A Me.

23 Q But through Finders Keepers?

24 A Yeah. I mean, I would let -- I would be

1 able to give you customers and leads from the day I  
2 started to the day I was terminated and that's it.

3 Q I see. That's fair. Because some of  
4 that is your own personal --

5 A Yeah, that's my customers. I mean,  
6 that's my -- I mean, those are my people that I  
7 can -- if I decide to sell a car to, they're my  
8 leads.

9 Q Another thing we can do to protect that  
10 is to have you produce it under a protective order,  
11 which basically means that it's confidential. We  
12 can't provide it to anyone else. That may give you  
13 some additional comfort. We'll talk about that,  
14 okay?

15 A Okay. I mean, you got to understand  
16 that by me cooperating in the first place, I've lost  
17 everything. From people not cooperating, they still  
18 have everything. So every time I cooperate, I feel  
19 like there goes something else that's going to be --  
20 that I'll be the only one held accountable for again.

21 Q We've got AF says Phone Area Code. AG  
22 says Recording I.D. That would be how I would  
23 actually obtain the recording?

24 A Right.

1 Q Recording, AH?

2 A I have no idea what that is.

3 Q Let me just expand it. Recording  
4 Remote.

5 A I have no idea. It looks like a phone  
6 number to me. Those are all phone numbers.

7 Q Okay. Original.

8 A Counties, those are all counties. That  
9 gives you the list.

10 Q Original Lead File, A -- we're talking  
11 about Column AI. What is that?

12 A Column AI is the column that lets you  
13 know what the lead -- what the area that they just  
14 loaded was.

15 So, for instance, that leads list is  
16 Meigs County, Ohio. The next one down is Carter  
17 County, Ohio -- Carter County, Kentucky. Those both  
18 were -- Meigs County, Ohio -- Meigs, Ohio's here,  
19 Carter County is over here. We had two different  
20 installers in those areas. We'd be calling both  
21 those areas. Those are the leads.

22 So anything in Carter County, anybody  
23 that lived in Carter County would be in that Carter  
24 County list.

1 Q They wouldn't be leads that you obtained  
2 specifically for Carter County?

3 A Yes. Every lead in Carter County would  
4 be in that list.

5 Q Okay. But do you know -- I guess what  
6 I'm trying to find out is where the lead itself came  
7 from. Is that reflected on XenCALL?

8 A The lead came from Telephonebiz.com. We  
9 loaded the leads and loaded them onto an Excel sheet  
10 and then loaded them into the dialer.

11 Q Sure.

12 A So That lead is -- when it says Meigs  
13 County, Ohio, those are all Meigs County, Ohio  
14 people.

15 Q Sure.

16 A You can go on Telephonebiz.com and you  
17 can pick city, county, city. You can do it by zip  
18 code. You can search everything.

19 So some of them would be -- you can see  
20 the Credit List. That's people with good credit.  
21 Local People are all people around Scioto County.  
22 Just whatever he named them is what it would be.

23 Q Sure. Now the next column is Column AJ.  
24 It says Original Campaign and there's Campaign 1,

1 there's New Setup. What's that telling you?

2 A The difference in that is they did an  
3 update and the New Setup was a little bit better.  
4 But once you create and put it Campaign 1, you just  
5 create the same campaign. That way it's still --  
6 like, you know what I mean? That's what you put the  
7 campaign in.

8 I mean, you created every list into a  
9 campaign, and then you put the campaign into Campaign  
10 1. You just use the same one over and over.

11 Q Okay. We'll keep working through this.  
12 I'll have some more questions for you about it. I  
13 appreciate it.

14 A I mean, that's to my knowledge.

15 Q Yeah. That's the Current Campaign.  
16 That appears to be -- that's column AK. That appears  
17 to be a duplicate of Column AJ, right?

18 A Yes.

19 Q Original -- Column AL is Original Lead  
20 I.D. Would that have been from Travelbiz -- what was  
21 the name?

22 A Telephonebiz, Telephonebiz.com.

23 Q Is that right?

24 A Yeah, that's -- I mean, I think that

1 would be the Lead I.D. in AL, and AM column would be  
2 Original Lead I.D., and Profile I.D. would be what  
3 XenCALL would have for us to be able to look it up  
4 later on.

5 Q So every number on here with an Original  
6 Lead I.D. number would have been a lead received from  
7 Telephonebiz.com?

8 A It's showing --

9 Q And it would have been -- it would have  
10 been placed to the call recipient as a telemarketing  
11 call to sell a product or service?

12 A I don't know, man. I mean, the  
13 original -- I have no idea what XenCALL, why they  
14 would put an Original Lead I.D. That's something for  
15 us to probably be able to look up something if we  
16 ever needed to look up that call or that contact. As  
17 far as I know, I have no idea why they were in there.

18 Q Who would know that, do you think?

19 A XenCALL.

20 Q AM, Column AM, it says Profile I.D. Do  
21 you know what that is?

22 A Profile I.D. is -- they're the same  
23 thing. Inbound and manual will let you know what  
24 kind of call type it is.



1 Q Tell me about that. Manual means what?

2 A Manual means that the person dialed it.  
3 Like, for instance, if I'm sitting here at my  
4 computer and I have my headset on, I can still dial  
5 any number. I mean, I can put it on, you know,  
6 calls, so where a call's not coming in, and I can  
7 follow-up and call you back and say, hey, you told me  
8 to call you call in ten minutes. I was just  
9 following up with you.

10 Or in between calls, if there's a wait  
11 time, you can dial leads that you might have on your  
12 sheet and you can get inbound calls as well. So, I  
13 mean, it wasn't just an outbound dialer. It had  
14 multiple tasks. I could sign -- people could get  
15 calls back in on their headsets as well.

16 Q But if it says Dialer --

17 A That means that it was going outbound.

18 Q Column -- on Column AN, that means it  
19 was an outbound telemarketing call placed through the  
20 dialer, correct?

21 A Yep. Yes, sir. I'm sorry.

22 Q And then Inbound would have been a  
23 customer calling you, correct?

24 A Yes.

1 Q Is that right?

2 A Yes.

3 Q Why would a customer call you? Like,  
4 what are some of the reasons they would? Just be  
5 customer service?

6 A Set up service.

7 Q Set up service.

8 A If they're calling the dialer, they're  
9 calling in to set up service or trying to figure out  
10 what about this incident, your number was on my  
11 caller I.D. I was just seeing if you called me.  
12 That happened a lot.

13 Q Column AO Call source.

14 A That'll tell you what queue it was in  
15 and what playlist it was.

16 Q That, I'm not real clear on, what queue  
17 it would be in. What do you mean by that?

18 A There's different queues and lists that  
19 you have set up. Each list has different queues.  
20 Each list has different playlists. You stick them in  
21 a queue and the playlist -- I'm not --

22 Q Shawn is the person who would be most --

23 A Did that, yeah. I mean, he could answer  
24 you in probably a matter of ten seconds.

1 Q Recording?

2 A That's the length of the call.

3 Q Length of the call. Recording Length,  
4 that's Column AP.

5 Column AQ is Recording Length in  
6 seconds, right? You see that?

7 A Yes.

8 Q Column AR is an alternative phone  
9 number?

10 A How many columns did we send you?

11 Q We're almost done. Just a couple more.  
12 Column AS Recording Local.

13 A I have no idea. Phone number. That's  
14 phone numbers.

15 Q Recording Local Phone.

16 A Yeah.

17 Q You're not sure what that is?

18 A I don't know. It's phone numbers.  
19 Those are all phone numbers of some sort.

20 Q Okay.

21 A I think when you see manual, it's saying  
22 that it dialed a manual number. It looks like  
23 someone was calling the same person. Maybe they're  
24 having a bad morning with their girlfriend or

1 something at work.

2 Q Okay. I think I'm almost done. If I  
3 could have five minutes to talk to my buddies, and  
4 then we'll be -- make sure we're done and then we'll  
5 finish up.

6 THE VIDEOGRAPHER: Going off the record  
7 at 11:53 a.m.

8 - - -

9 Short recess taken.

10 - - -

11 THE VIDEOGRAPHER: Here marks the  
12 beginning of Media No. 3, the deposition of Adam Cox.  
13 Going back on the record at 11:59 a.m.

14 Please proceed.

15 By Mr. Barrett:

16 Q All right. Mr. Cox, we're almost done.  
17 I want to talk to you a little bit about kind of the  
18 wind down of AC1. You got the termination letter  
19 January of 2019. How soon after you received that  
20 did AC1 close up shop? When I say "close up shop," I  
21 mean stop operating, stop selling any kind of product  
22 or service.

23 A AC1 was done as of then selling DirectTV.  
24 I mean, I had different -- I have different views on

1 it because we were able to try to retain some  
2 customers and we lost all of our employees.

3 So I'd say was not open for about  
4 another week. After we got the termination letter  
5 and people got their last pay, I mean, it was pretty  
6 much over with. A lot of people didn't get their  
7 last pay. I didn't -- once we got terminated, they  
8 didn't pay us for any of the outstanding installs  
9 that we had did.

10 Q So about a week after DirecTV sent you  
11 the termination letter, that's when AC1 stopped all  
12 telemarketing; is that right?

13 A Right. AC1 was done -- yeah, AC1 was  
14 done after that. AC1 didn't -- I mean, after AC1  
15 lost DirecTV, it was over with. If I ever sold any  
16 DirecTV after that, it was through a different  
17 retailer or different people that I put sales  
18 through. But AC1 was done. There was no more  
19 telemarketing after that.

20 I don't have a dialer. I've never had  
21 XenCALL since then. Just done. Never messed with it  
22 since then.

23 I did try to get a Dish Network license,  
24 and they gave it to us and approved us, and then once

1 they found out about this, then they terminated us.  
2 So I lost another contract with Dish Network over  
3 this.

4 Q It wasn't worth it to you to continue  
5 telemarketing for any other TV or internet or  
6 telephone provider after DirecTV terminated you; is  
7 that fair to say?

8 A Oh, no. No, it wasn't worth it.

9 Q I think we are good. I think we're  
10 done. I very much appreciate the time.

11 And let me make sure that I tell you  
12 this that you have the opportunity to read the  
13 transcript that our court reporter is taking down,  
14 I'm sure you're dying to do that, and determine if  
15 there are any mistakes in the transcript. You can  
16 also waive the right to do that.

17 A I waive it.

18 Q I appreciate your time.

19 THE VIDEOGRAPHER: At this time --

20 MR. STEINMETZ: As I mentioned earlier,  
21 DirecTV reserves the right to recall the witness at a  
22 time when discovery isn't stayed as to DirecTV.

23 THE WITNESS: Do I have to cooperate  
24 with that?

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1 MR. STEINMETZ: If you don't, we'll  
2 subpoena you.

3 The videographer wanted to make a  
4 statement.

5 THE VIDEOGRAPHER: At this time you  
6 have --

7 THE WITNESS: Can I speak to you off  
8 the record?

9 MR. STEINMETZ: Sure.

10 THE VIDEOGRAPHER: You have the right  
11 to an immediate review and playback of this video  
12 deposition, or you can waive that right immediately.

13 MR. BARRETT: He's saying you can right  
14 now read the -- watch the entire video.

15 THE WITNESS: I'm good. I waive that.

16 THE VIDEOGRAPHER: This concludes the  
17 deposition of Adam Cox. Going back -- going off the  
18 record at 12:03 p.m.

19 - - -

20 Signature waived.

21 - - -

22 Thereupon, at 12:03 p.m.,  
23 Tuesday, December 3, 2019,  
the deposition was concluded.

24 - - -